

TABLE OF CONTENTS
Trinity Zoning Ordinance

	Page
Article I	Short Title, Authority, and Effective Date..... 1-1
Sec. 1-1	Short Title 1-1
Sec. 1-2	Authority 1-1
Sec. 1-3	Effective Date 1-1
Article II	Jurisdiction..... 2-1
Sec. 2-1	Territorial Application 2-1
Sec. 2-2	Bona Fide Farm Uses Exempt 2-1
Article III	Interpretation of Words and Terms 3-1
Sec. 3-1	Interpretation of Commonly used Words and Terms 3-1
Article IV	Definitions 4-1
Article V	Application of Regulations 5-1
Sec. 5-1	Zoning Affects Every Building and Use..... 5-1
Sec. 5-2	Reduction of Lot and Yard Areas Prohibited 5-1
Sec. 5-3	Lot of Record..... 5-1
Sec. 5-4	Relationship of Building to Lot 5-1
Sec. 5-5	Required Open Space Not Used for Other Building..... 5-1
Sec. 5-6	Road Access..... 5-1
Sec. 5-7	Buildings and Land Used for Permitted Uses..... 5-2
Article VI	Establishment of Districts and District Boundaries 6-1
Sec. 6-1	Use District Names 6-1
Sec. 6-2	District Boundaries Shown on Zoning Map 6-1
Sec. 6-3	Due Consideration Given to District Boundaries 6-1
Sec. 6-4	Rules Governing Interpretation of District Boundaries 6-1
Article VII	Description and Purposes of Districts 7-1
Sec. 7-1	RA Residential Agricultural District 7-1
Sec. 7-2	R-40 Residential District 7-1
Sec. 7-3	R-20 Residential District 7-1
Sec. 7-4	R-12 Residential District 7-1
Sec. 7-5	Mixed Residential District..... 7-1
Sec. 7-6	Multi-Family Residential District..... 7-1
Sec. 7-7	O&I Office and Institutional District..... 7-1
Sec. 7-8	CS Community Shopping 7-2
Sec. 7-9	HC Highway Commercial 7-2
Sec. 7-10	M-1 heavy Manufacturing District 7-2
Sec. 7-11	M-2 Light Manufacturing District 7-2
Sec. 7-12	Overlay District – Establishment and Requirements 7-2

	A. WSO Watershed Overlay District.....	7-2
	B. MHO Manufactured home Overlay District for Manufactured Home Subdivisions	7-3
Sec. 7-13	Conditional Zoning	7-3
Sec. 7-14	Permitted Uses in Zoning Districts	7-5
Sec. 7-15	Table of Permitted Uses	7-6
Sec. 7-16	Development Standards for Particular Uses – Notes To Table of Permitted Uses	7-11
Article VIII	Special Uses	8-1
Sec. 8-1	Objectives and Purposes	8-1
Sec. 8-2	Application	8-1
Sec. 8-3	Planning Board Review, Notice, Recommendations	8-1
Sec. 8-4	City Council Hearing; Notice; Action	8-3
Sec. 8-5	Appeal of Decisions.....	8-3
Sec. 8-6	Failure to Comply with Plans or Conditions.....	8-3
Sec. 8-7	Regulations for Special Use Permits.....	8-3
	Adult Establishments	8-5
	Apartments.....	8-7
	Athletic Fields, Swim and Tennis Clubs, Community Centers, Parks and Playgrounds	8-10
	Automobile Car Wash	8-11
	Bed and Breakfast, Rooming House.....	8-12
	Cemeteries (as a principal use)	8-13
	Churches and Religious Congregations with Their Customary Accessory Uses	8-14
	Cluster Developments (residential)	8-15
	Condominiums.....	8-17
	Day Care Child or Adult, as Principal Use	8-22
	Fairs and Carnivals (including community and nonprofit).....	8-23
	Fire, Sheriff and Emergency Services	8-24
	Golf Courses	8-25
	Group Care Facility (Group Home).....	8-26
	Junkyards	8-27
	Manufactured Home Parks	8-28
	Requirements Applicable to All Manufactured Home Park Owners and Criteria Applicable to All Homes in Manufactured Home Parks	8-33
	Manufactured Home, Boat, Travel Trailer, Camper And Recreational Vehicle Sales and Service.....	8-35
	Mini Warehouses	8-36
	Nursing Homes, Assisted Living	8-37
	Planned Building Groups, Commercial or Industrial	8-38
	Planned Unit Developments	8-39
	Public Utility Facilities and Substations	8-41
	Radio Controlled Race Car Tracks	8-42
	Reception House.....	8-43
	Recycling Convenience Site	8-44
	Retail and Membership Warehouses Over 25,000 Square feet	8-45

	Service Stations, Convenience Stores with Gas Pumps.....	8-46
	Schools, Elementary or Secondary	8-47
	Shooting Range (Outdoor).....	8-48
	Storage of Above Ground Bulk Oil or Petroleum	
	For Wholesale or Retail Distribution.....	8-49
	Telecommunications Towers, Radio or Television Towers	8-50
	Townhouse Development	8-55
	Veterinary Clinic and Kennels with Outdoor Runs	8-58
Article IX	Nonconformities	9-1
Sec. 9-1	Purpose and Intent	9-1
Sec. 9-2	Nonconforming Lots of Record	9-1
Sec. 9-3	Nonconforming Uses of Land.....	9-1
Sec. 9-4	Nonconforming uses of Structures.....	9-2
Sec. 9-5	Nonconforming Structures.....	9-3
Sec. 9-6	Repairs and Maintenance.....	9-3
Sec. 9-7	Nonconformities Created by Changes in Zoning	
	Boundaries or Regulations	9-3
Article X	Zoning Vested Rights.....	10-1
Sec. 10-1	Vested right Conferred.....	10-1
Sec. 10-2	Obtaining A Vested Right.....	10-1
Sec. 10-3	Term	10-1
Sec. 10-4	Zoning Permit Required.....	10-1
Sec. 10-5	Application for a Zoning Permit with vested Rights	10-1
Sec. 10-6	Action by City Council	10-2
Sec. 10-7	Violations.....	10-3
Sec. 10-8	Other Ordinances Apply	10-3
Sec. 10-9	Changes or Amendments	10-3
Sec. 10-10	Status at Expiration of Term.....	10-3
Sec. 10-11	Annexation Declaration	10-3
Article XI	Signs	11-1
Sec. 11-1	Intent	11-1
Sec. 11-2	General Limitations on All Signs	11-1
Sec. 11-3	Prohibited Signs.....	11-1
Sec. 11-4	Signs Not Requiring A Permit	11-2
Sec. 11-5	Signs Requiring A Permit	11-3
Sec. 11-6	Permit Application.....	11-3
Sec. 11-7	Signs Permitted in Agricultural and Residential Districts	11-4
Sec. 11-8	Signs Permitted in O-I, HC, CS, M-1 and M-2	11-4
Sec. 11-9	Temporary Signs.....	11-6
Sec. 11-10	Sign Area and Height Limitations	11-7
Sec. 11-11	Calculating Area and Number	11-7
Article XII	Area, Yard and Height Requirements	12-1
Sec. 12-1	Front yard Averaging.....	12-1

Sec. 12-2	Height Limitations	12-2
Sec. 12-3	Visibility at Intersections	12-1
Sec. 12-4	Table of Area, Yard and Height Requirements	12-2
Sec. 12-5	Open/Recreation Space	12-4
Article XIII	Parking and Transportation	13-1
Sec. 13-1	General Off- Street Parking. Requirements	13-1
Sec. 13-2	Parking for Unlisted Uses	13-1
Sec. 13-3	Parking Requirements for Change in Use.....	13-1
Sec. 13-4	Minimum Off-Street Parking Requirements.....	13-2
	Table 13.4 Off-Street Parking Requirements.....	13-2
Sec. 13-5	Off-Street Loading and Unloading Space.....	13-5
Sec. 13-6	Design Standards for Parking Stacking and Loading	13-5
	Table 13-6 Parking Spaces Geometric Design Standards.....	13-7
Sec. 13-7	Alternatives and Incentives.....	13-8
Sec. 13-8	Sidewalks-Residential.....	13-10
Sec. 13-9	Sidewalks-Commercial	13-10
Sec. 13.10	Traffic Analysis	13-11
Article XIV	Buffering and Landscaping Requirements.....	14-1
Sec. 14-1	Purpose of Buffering Requirements.....	14-1
Sec. 14-2	Buffering Between Zoning Districts and/or Uses.....	14-1
Sec. 14-3	Landscaping for the Business District	14-2
Sec. 14-4	Buffering Between Single Family Housing and And Planned Developments.....	14-2
Sec. 14-5	Buffering Off-Street Parking Areas	14-2
Sec. 14-6	Protection of Existing Trees and Required Buffer Strips	14-2
Sec. 14-7	Maintenance of Buffering	14-3
Sec. 14-8	Documentation and Variances	14-3
Article XV	Zoning Enforcement Officer, Permits Required and Enforcement	15-1
Sec. 15-1	Zoning Enforcement officer.....	15-1
Sec. 15-2	Duties of Enforcement Officer	15-1
Sec. 15-3	Questions of Enforcement and Interpretation	15-1
Sec. 15-4	Permits and Required Submissions.....	15-2
Sec. 15-5	Violations.....	15-2
Sec. 15-6	Enforcement Procedure.....	15-3
Article XVI	Planning Board, Board of Adjustment and Role of the City Council in Planning.....	16-1
Sec. 16-1	Planning Board	16-1
Sec. 16-2	Board of Adjustment Created	16-1
Sec. 16-3	Voting	16-2
Sec. 16-4	Procedures of the Board of Adjustment.....	16-2
Sec. 16-5	Appeals from Decisions of the Zoning Enforcement Officer	16-2

Sec. 16-6	Appeal Stays All Proceedings.....	16-3
Sec. 16-7	Powers and Duties of the Board of Adjustment.....	16-3
Sec. 16-8	Variances – Determinations and Findings	16-3
Sec. 16-9	Rehearings	16-4
Sec. 16-10	Review by Certiorari.....	16-4
Sec. 16-11	Decisions of the Board of Adjustment.....	16-4
Sec. 16-12	Role of City Council in Planning.....	16-4
Article XVII	Amendments and Changes.....	17-1
Sec. 17-1	Motion to Amend.....	17-1
Sec. 17-2	Protest Against Amendment	17-2
Article XVIII	Legal Provisions	18-1
Sec. 18-1	Interpretation, Purpose and Conflict.....	18-1
Sec. 18-2	Validity	18-1
Sec. 18-3	Remedies.....	18-1

ARTICLE I

SHORT TITLE, AUTHORITY AND EFFECTIVE DATE

Section 1-1. Short Title.

This ordinance shall be known as “The Zoning Ordinance of the City of Trinity, North Carolina,” and the map referred to which is identified by the title “Official Zoning Map, Trinity, North Carolina,” shall be known as the “Zoning Map.”

Section 1-2 Authority

Pursuant to authority granted by Article 19, Chapter 160A of the General Statutes of North Carolina, and for the purpose of promoting the public health, safety, morals and general welfare; promoting the orderly development of the community; lessening congestion in the roads and streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; and facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, all in accordance with a well considered comprehensive plan.

Section 1-3. Effective Date.

This ordinance shall take effect and be in force from and after its passage and adoption and repeals all prior ordinances or portions of ordinances in conflict herewith.

Duly adopted by the City Council of the City of Trinity, State of North Carolina, on this the ____ day of _____, ____ .

ATTEST:

City Clerk

Mayor

ARTICLE II

JURISDICTION

Section 2-1. Territorial Application.

The provisions of this ordinance shall apply within the corporate limits of the City of Trinity and within any area adjacent to the City limits within which the City may exercise extraterritorial jurisdiction.

Section 2-2. Bona Fide Farm Uses Exempt.

The provisions of this ordinance shall not apply to bona fide farm uses. Bona fide farm purposes include production and activities relating to or incidental to production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market. (See G.S.153A-340(b)).

This ordinance does not exercise any controls over crop lands, timber lands, pasture lands, idle or other farm lands, nor over any farm house, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm.

ARTICLE III

INTERPRETATION OF WORDS AND TERMS

For the purpose of interpreting this Ordinance, certain words and terms are herein defined. The following words shall, for the purpose of this Ordinance have the meaning herein indicated.

Section 3-1. Interpretation of Commonly Uses Terms & Words.

- A) Words used in the present tense include the future tense.
- B) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- C) The word “person” includes a firm, association, corporation, trust and company, as well as an individual.
- D) The words “used for” shall include the meaning “designed for.”
- E) The word “structure” shall include the word “buildings” and the word “sign.”
- F) The word “lot” shall include the words “plot,” “parcel,” or “tract.”
- G) The word “shall” is always mandatory and not merely directory.

ARTICLE IV

DEFINITIONS

NOTE: Definitions in the Flood Damage Prevention Ordinance are not included in this section, as they are defined in the Code of Federal Regulations and may vary from these definitions adopted by the Trinity City Council for interpretation of the zoning, subdivision and watershed ordinances.

Access Lot: A lot having lake or river frontage and road frontage which offers lake frontage and/or lake access to those lots not having direct lake frontage within a lake front subdivision.

Access Corridors: A strip of land lying between the side lot boundary lines of lake front lots offering access to lots one lot depth away from the water's edge.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and location on the same lot with such principal use or building.

Adult Day Care: Relating to or providing supervision and facilities for senior adult persons primarily during the day. Care may include, but not be limited to, recreational activities, food preparation/dining, orthopedic exercise and physical therapy.

Adult Establishment: The definition of "adult establishments" for purposes of this ordinance shall be consistent with Chapter 14, Article 26A of the N.C. General Statutes as currently written or hereafter amended. Adult establishments include adult bookstores, adult motion picture theaters, adult mini motion pictures, adult live entertainment business and massage businesses as those terms are defined by G.S.14-202.10, and adult motels and adult cabarets.

"**Adult motel**" is defined as a hotel, motel or similar commercial establishment that: (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities," or "specified anatomical areas" as one of its principal business purposes; or (b) offers a sleeping room for rent for a period of time that is less than ten hours; or (c) allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten hours.

"**Adult Cabaret**" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes: (a) persons who appear nude or semi-nude, or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or (c) films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified anatomical areas."

Adult Motion Picture Theater: An enclosed building or outdoor premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical areas. **Adult Video/Book Store:** (See G.S. 14-202-10(I)) A video/book store: a. which receives a majority of its gross income during any calendar year from the sale or rental of publications (including but not limited to books, magazines, VHS cassettes, and DVD's) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area, or b. having a preponderance of its publications, books, magazines and other periodicals which

are distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

Alley: A roadway which affords only a secondary means of access to abutting property.

Alterations: The word "alteration" shall include any of the following:

- a. Any addition to the height or depth of a building;
- b. Any change in the location of any of the exterior walls of a building;
- c. Any increase in the interior accommodations of a building.

Apartment: A room or suite of one (1) or more rooms in a multi-family residence (three or more dwelling units) intended for use as a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Automobile Service Station: A building or structure where gasoline or other fuel, stored in tanks, is dispensed directly to motor vehicle users. The following activities are included as accessory uses to a service station: dispensing oil, grease, antifreeze, tires, batteries, and automobile accessories directly to motor vehicle users; tuning motors, minor wheel and brake adjustment, waxing and polishing and other minor servicing and repair to the extent of installation of the items listed above; and washing of automobiles. All other activities shall be prohibited, including, but not limited to, upholstering work, auto glass work, painting, welding, tire recapping, storage of automobiles not in operating condition, auto dismantling and auto sales.

Bed and Breakfast (Tourist Home): Any dwelling occupied by the owner or operator in which rooms are rented for lodging of travelers for compensation.

Board of Adjustment: A quasi judicial board appointed by the City Council empowered to hear appeals from decisions of the Zoning Enforcement Officer, grant variances under the Zoning Ordinance, and to grant minor variances from provisions of the Watershed Protection Ordinance. In Trinity, the Board of Adjustment and Planning Board are composed of the same individuals.

Bona Fide Farm -Bona fide farm purposes include production and activities relating to or incidental to production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

Buffer (and screen): A horizontal distance between uses that provides a functional and visual separation.

Buffer strip: A solid fence or wall, or a planted strip at least ten (10) feet in width composed of living deciduous and/or evergreen trees spaced not more than ten (10) feet apart, and not less than one (1) row of dense, living evergreen shrubs spaced not more than five (5) feet apart, which shall be established and maintained in perpetuity by the owner of property when a buffer is required under this ordinance.

Building: Any structure having a roof supported by columns or walls; and intended for shelter, housing or enclosure of animals.

Building

Accessory: A subordinate building, whose use is incidental to that of a principal building on the same lot.

Principal: The building in which the lot's principal use is conducted.

Building Setback Line: A line establishing the minimum allowable distance between the main portion of any building and the street or highway right-of-way line when measured perpendicularly thereto. Covered porches, patios and carports, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into the required yard.

Cemetery: A place for burial of the dead. A cemetery can be a combination of one or more of the following, in a place used or to be used and dedicated or designated for such purposes:

- a) a burial park for earth interment;
- b) a mausoleum for burial above the ground;
- c) a columbarium, a structure substantially above the ground, for interment of the cremated remains of a deceased person.

Certificate of Occupancy: A statement, signed by an administrative officer, setting forth that the building, structure or use complies with this ordinance and that the same may be used for the purposes stated therein.

Clerk of Superior Court: Clerk of Superior Court of Randolph County, North Carolina.

Cluster Developments: Cluster developments are clustered or grouped on a site, in some cases to avoid topographical constraints, to protect tree cover, natural drainageways and floodplains, to preserve open space, and to allow development of marginal land. In Trinity, “cluster developments” refers to residential developments.

Concrete Monuments: Concrete monuments shall be as described on page 20 of the Manual of Practice for Land Surveying, with the exception that they may have a 611 center steel pin extending 1/21' above the surface of the top of the monument. At least one monument in the boundary of each subdivision should contain a metal plat.

Condominium Development: Two or more single units in a multi-unit structure with common areas and facilities on one tract of land. Unit owners own only the interior portion of their unit and accessory space, and have an undivided interest in the common areas and facilities. Residential condominiums are considered multi-family developments.

Dedication: A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

Driveway: An access, with no specified development standards, to a *single* lot from either a public or private roadway.

Dwelling Unit: A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family; for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary and sleeping facilities.

Dwelling, Single Family: A detached building containing one dwelling unit.

Dwelling, Two Family: A detached building containing two dwelling units.

Dwelling, Multi-Family: A building containing three or more dwelling units.

Enforcement Officer – The City of Trinity employee(s) responsible for enforcement of zoning, subdivision, watershed, floodplain, erosion and sedimentation control and other planning related ordinances authorized by Article 19 of G.S. 160A and adopted by the City of Trinity.

Family: Any number of related persons living together as a single housekeeping unit.

Family Care Home: A home defined and described in Article 3 of GS 168 as having support and supervisory personnel, that provides room and board, personal care and habitation services in a family environment for not more than six resident handicapped persons. A handicapped person is defined as person with a temporary or permanent physical emotional or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in GS 122-58.2(1)(b).

Fence: An outdoor structure placed around all or part of a parcel of land constructed of masonry, metal, plastic or wood which provides either a physical barrier or visual screen.

Flea Market: Sales area (indoors or outdoors) in which space is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles such as those which are either homemade, handcrafted, used, old or obsolete.

Foot-candle: A quantitative unit measuring the amount of light cast onto a given point, measured as one (1) lumen per square foot.

Frontage: All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

Garage, Private: An accessory structure used for storage, primarily of motor vehicles.

Garage, Repair: A garage in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles.

Greenways: A series of independent and interconnected paths, officially designated by the City, that will allow bikers, walkers, joggers, etc., to go from one area of the City to another without driving their car or using City roads or streets.

Gross Floor Area: The interior floor area of a building exclusive of stairways, storage, closets, and elevators shafts.

Group Home: A residential facility for not more than 12 persons licensed by the State of North Carolina, by whatever name it is called (e.g. domiciliary home, home for the aged, rest home, etc.) other than a "family care home" as defined by this ordinance, which has support and supervisory personnel and which provides room, board and personal care in a family or group setting. Refer to GS 131D-2.

Guest Home (Tourist Home): Any dwelling occupied by the owner or operator in which rooms are rented for lodging or transients and travelers for compensation.

Home Occupation: Any use conducted entirely within a dwelling and carried on by the occupants thereof which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display and no more than one

(1) person, not a resident on the premises, is employed specifically in connection with the home occupation. A home occupation shall comply with the following criteria:

- It shall occupy no more than 25% percent of the gross floor area of a dwelling unit.
- No outside storage or display of items associated with the home occupation is permitted.
- Signage identifying a home occupation may not be illuminated is limited to one wall or one freestanding sign per zoning lot and a maximum display surface of four (4) square feet. A permit is required as provided by Article 11 Signs.
- The home occupation must be conducted entirely within a dwelling unit.
- Only one person may be employed who is not an occupant of the residence.
- Activities shall not generate traffic, parking, noise, odors, or electrical interference beyond what normally occurs in the zoning district.
- Instruction in music, dancing, art or similar subjects shall be limited to no more than five (5) students at one time.
- Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, accountants, music and art lessons, state licensed family day care (5 or fewer persons), food catering, and handcrafting, etc.

Hotel and Motel: A building, or other structure which is used, kept maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten (10) or more rooms are furnished for the accommodation of such guests; and having or not having one (1) or more dining rooms, restaurants, or cafes where meals or lunches are served to such transients or permanent guests, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings in connection therewith.

Impervious Area: Is a surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces may include, but are not limited to roofs, streets, parking areas, tennis courts, driveways, patios, sidewalks, or any concrete, asphalt or compacted gravel surface. Public roads are excluded from computations of impervious area.

Junked Motor Vehicle: A motor vehicle that is partially dismantled or wrecked, cannot be self propelled or moved in the manner originally intended and does not display a current license plate.

Junkyard: The use of more than six-hundred (600) square feet of any lot for the storage of junk (as defined below) for more than 15 days, including scrap metals or other scrap materials or the dismantling or abandonment of automobiles or other vehicles or machinery.

“Junkyard” shall also include the term “automobile graveyard” as defined in G.S.136-143(1) or hereafter amended: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen days or more.

The term “junk” shall mean old scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material.

Land Development Plan: A long range plan for the desirable use of land in Trinity which has been adopted by the Trinity City Council. The purpose of the plan is to serve as a guide in the zoning of land,

in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as parks, public buildings, streets.

Landfill, Sanitary: A place where trash and garbage are disposed of by compacting and covering with earth at the end of each day of operation.

Lot: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same and which is intended as a unit for transfer of ownership. The word "lot" includes the words "plot" or "parcel."

Corner Lot: A lot abutting upon two streets at their intersections. The street line forming the least frontage shall be deemed the front of the lot.

Double-Frontage Lot: A continuous (through) lot which is accessible from both of the parallel street upon which it fronts.

Lot Depth: The depth of a lot is the mean distance of the lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Front: That part of the lot adjacent to the street or land access.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Randolph County, or a lot described by metes and bounds, the description of which has been so recorded.

Lot Width: The distance between side lot lines measures at the building setback line.

Reverse Frontage Lot: A continuous (through) lot which is accessible from only one of the parallel streets upon which it fronts.

Major Arterials, Roads, and Highways: Major arterials, roads, and highways are those public streets and highways designated, or hereafter designated, as major streets and highways on a major Thoroughfare Plan for the County, approved by the North Carolina Department of Transportation, or that may hereafter be approved by the North Carolina Department of Transportation.

Manufactured Home (also known as a mobile home): A residential dwelling unit, built to HUD Standards, designed for transportation after fabrication on its own wheels or on flatbeds, or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor unpacking and assembly operations. Travel trailers and campers shall not be considered mobile homes.

Manufactured Home, Class A: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) The manufactured home has a length not exceeding four times its width (e.g. a "doublewide" unit); and
- (b) The pitch of the manufactured home's roof has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2 ft: 12 ft) and the roof is finished with shingles; and

- (c) The exterior siding consists predominately of vinyl or aluminum horizontal lap siding, wood or hardboard; and
- (d) A continuous, permanent masonry foundation, unpierced except for ventilation and access is installed under the manufactured home; and
- (e) The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site;
- (f) A minimum of 1,200 square feet of interior space.

Manufactured Home, Class B: A manufactured home' constructed after July 1, 1976, that meets or exceeds the standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home.

Manufactured Home, Class C: A manufactured home that does not meet the definition of either a Class A or a Class B manufactured home.

Manufactured Home Park: A plot of ground, *under unified control*, which has been planned or improved for the placement of three or more manufactured homes for dwelling or sleeping purposes, regardless of whether or not a charge is made for the unit or the land. This definition shall not include manufactured home sales lots.

Manufactured Home Space: The land in a manufactured home park allotted to or designed for accommodation of one (1) manufactured home.

Modular home. - A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to G.S. 143-139.1.

To qualify for a North Carolina State Residential Building Code label or seal, a single-family modular home must meet or exceed the following construction and design standards identified in G.S.143-139.1, or as hereafter amended:

1. Roof pitch. - For homes with a single predominant roofline, the pitch of the roof shall be no less than five feet rise for every 12 feet of run.
2. Eave projection. - The eave projections of the roof shall be no less than 10 nches, which may not include a gutter around the perimeter of the home, unless the roof pitch is 8/12 or greater.
3. Exterior wall. - The minimum height of the exterior wall shall be at least seven feet six inches for the first story.
4. Siding and roofing materials. - The materials and texture for the exterior materials shall be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
5. Foundations. - The home shall be designed to require foundation supports around the perimeter. The supports may be in the form of piers, pier and curtain wall, piling foundations, a perimeter wall, or other approved perimeter supports.

Modular Home, Conventional: A factory built structure which is constructed in accordance with the North Carolina State Building Code with wood frame construction and set-up on a brick foundation.

Modular Home, On-Frame: A factory built structure which is constructed in accordance with the North Carolina State Building Code on a metal frame and is set-up on block piers with brick underpinning.

Nonconforming Use: A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this ordinance, or as a result of subsequent amendments to this ordinance.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.

Open Space: The land used for passive recreation, natural resource protection, amenities and/or buffer yards. Open space may include, but is not limited to, walkways, passive recreation areas, playgrounds, wooded areas, greenways and water courses.

Parking Space: A surfaced area not less than nine (9) feet wide and eighteen (18) feet long either within a structure or in the open, exclusive of driveways or access drives.

Planned Building Group: An area of land under unified control; developed for business, commercial or industrial uses; consisting of one or more principal structures or buildings and accessory structures or buildings on a plot not subdivided into customary streets or lots.

Planned Unit Development: An unconventional subdivision of land not subsequently subdivided into conventional streets and lots and designated for ownership by separate property owners. A PUD may include within it a variety of forms of residential occupancy and ownership such as single-family detached housing, single family attached housing and some multifamily units. Significant areas of common properties which may include open space or private streets are owned and maintained by private ownership associations.

Planning Board: The City of Trinity Planning Board appointed by the City Council to carry out the duties set forth in GS 160A-361. In Trinity the same individuals comprise the Planning Board and the Board of Adjustment, which function as separate bodies according to the stated function and purpose for which a meeting is called.

Residence: Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term "residence" shall not be deemed to include a hotel, motel, tourist home, or other building designed for transient residence. Neither shall it include travel trailers, campers, motor homes, or other vehicles designed for transient residence. The term "residence" shall include the term "dwelling unit."

Road, Private: A vehicular right-of-way indicated on an approved survey plat and recorded in the Office of the Register of Deeds intended to serve residential subdivision of lots or tracts and not offered for dedication as a public road. Private roads shall require a subdivision road disclosure statement in accordance with G.S. 136-102.6, shall be privately maintained and meet the design standards for private roads in the Trinity Subdivision Ordinance.

Reception House: A single family dwelling where a portion of the dwelling is available for receptions and other similar private functions. Meals may only be served to guests of receptions and other private functions. For purposes of this definition a private function means a pre-planned, organized social event for which one host or hostess is responsible. It has a defined beginning and ending times and is a celebration of a specific event such as a wedding, high school or college graduation, corporate event or a reception honoring a special person.

Recycling Processing Facility, Indoors: Includes uses engaged in the processing, sorting, assembly, breaking up, temporary storage and distribution of recyclables or reusable scrap and waste materials. The dismantling of junk vehicles or otherwise not capable of operating under their own power is not a permitted use. All recycling, scrap, storage and dismantling must be within an enclosed building. This use does not include landfills or other waste disposal sites.

Reservation: A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

Rooming House: A building which contains more than three (3), but fewer than ten (10) guest rooms which are let to individuals for compensation.

Scenic Corridor Plan: A site plan that describes unique qualities, conditions, boundaries and requirements of a road corridor that creates a visually pleasing impression.

Septage: As defined by NCGS 130A-290a32 meaning solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a septic tank system.

Septage Land Application Site: As regulated under the State requirements set forth in NCGS 130A-291.1; NC, Septage Management Rules, and meaning the area of land on which septage is applied.

Sewage Disposal System: An approved sewage disposal system which, depending upon ownership and/or capacity may be:

- a. a municipal system
- b. a "community" system designed for surface discharge and/or a 300+ gallon capacity (approved by the authorized State agency)
- c. a small capacity underground collection system (approved by the Randolph County Health Department)

Shooting Range: The term "shooting range" shall mean an establishment or place either indoors or outdoors, used for the discharge of firearms at targets, that is available to the public, individual property owners and their guests and/or law enforcement personnel and other governmental employees. An establishment that is open to the public or private, used on a regular basis (12 or more times per year or where operation continues for more than two (2) weeks) and operated for profit, private or non-profit use shall be deemed to be a shooting range within the meaning of this Ordinance.

Sign: Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences emblems, devices, design, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used to attract attention.

Sign Area: Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area including architectural trim. In computing area, only one (1) side of a double-faced sign shall be considered.

Sign, Freestanding: a sign attached to, erected on, or supported by a structure whose primary function is to support a sign and which is not itself an integral part of a building or other structure

and including signs attached to or painted on a motor vehicle if such motor vehicle is located on a site in such a way as to serve as a sign, as defined above.

Sign, Marquee/Awning: A sign attached to and hanging under a marquee or awning

Sign, Projecting: A sign attached to and supported by a building and extending beyond the building to which it is attached at a right angle.

Sign, Wall: A sign attached to or painted on a wall of a building, with the exposed display surface of the sign in a plane parallel to the plan of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a façade window.

Rural Roads

Principal Arterial. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

Minor Arterial. A rural link in a network joining cities and larger Cities and providing intrastate and intercounty service at relatively high (85 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

Major Collector. A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

Minor Collector. A road which provides service to small local communities and links the locally important traffic generators with their rural hinterland.

Local Road. A local road primarily serves to provide access to adjacent land and for travel over relatively short distances.

Major Thoroughfares. Major thoroughfares consist of Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

Minor Thoroughfares. Minor thoroughfares are important streets in urban systems and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

Local Street. A local street is any link not a part of a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

Specific Types of Rural and Urban Streets:

Cul-de-sac. A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

Frontage Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Alley. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or site of properties otherwise abutting on a street.

Expressway. An expressway is a street or road usually with a median which serves through traffic with full or partial control of access and generally with grade separations at intersections; however, infrequent at-grade crossings may be permitted.

Freeway. A freeway is a divided street or road which serves through traffic with full control of access and with grade separations at all intersections.

Public Street. A street located on a right-of-way dedication under the requirements of this Ordinance.

Private Street. An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with GS 136-102. 6. Emergency and other public services may not be provided over such private streets, and they shall be privately maintained.

Subdivider: Any person, firm, corporation or official agent thereof, who subdivides or develops any land deemed to be a subdivision.

Subdivision: A Subdivision shall include all divisions of a tract or parcel of-land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new public street or a change in existing public streets with certain exceptions referenced in State law and listed in the Trinity Subdivision Ordinance.

Major Subdivision. A subdivision with four (4) or more owner occupied lots created for the purpose of sale or building development.

Minor Subdivision. A subdivision with three (3) or fewer owner occupied lots created for the purpose of sale or building development with all lots having access to an existing state maintained road.

Technical Review Committee: A committee authorized to review and provide analysis of planning and development projects. This committee shall include Trinity's planning and zoning official, and may include the city manager, and staff from appropriate county and state agencies.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. This definition does not include any structure erected solely for a residential non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

Townhouse: Two or more attached single family residences contained within one or more residential structures with each unit located on a separate plot.

Use: The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

Use-Principal Permitted: A use which is permitted outright in a district for which a Zoning Permit may be issued by the Zoning Enforcement Officer.

Use-Special: A use which is permitted in a district only if a permit therefore is expressly authorized by the Planning Board.

Variance: A modification of the dimensional requirements of the Zoning Ordinance by the Board of Adjustment when strict enforcement of this Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Water Quality Critical Area (WQCA): Land located adjacent to the shoreline of a public water supply reservoir, so designated by a Governmental authority, and is located from normal pool level extending from ½ to 1 mile from the reservoir high water mark depending on the size of the watershed, and specifically delineated on the official watershed map.

Water Supply System: An approved water supply system which, depending upon ownership and/or number of hook-ups, may be:

- a. a municipal system
- b. a privately owned system serving an extended geographic area (extensions approved by the Department of Human Resources, Division of Health Services)
- c. a private well serving up to 14 hook-ups in a mobile home park (approved by the County Health Department)
- d. a "community" system with 15 or more connections (approved by the Department of
- e. Human Resources, Division of Health Services)

Watershed: An area in which all water drains to a particular body of water.

Yard

Front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. Where a lot abuts more than one street, the Zoning Enforcement Officer shall determine the front yard for purposes of this Ordinance.

Rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side line of the lot.

Side: An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line, and extending from the rear line of the front yard to the front line of the rear yard.

Zoning Lot: A parcel or contiguous parcels of land under single ownership containing sufficient land area for the proposed development including well and septic tank repair area.

Zoning Permit: A permit issued by the Zoning Enforcement Officer which must be obtained prior to establishment of a use within a zoning district.

Zoning Vested Right: A right pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

ARTICLE V

APPLICATION OF REGULATIONS

Section 5-1. Zoning Affects Every Building and Use.

No building or land shall hereafter be used, or its use changed, and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 5-2. Reduction of Lot and Yard Areas Prohibited.

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 5-3 Lot of Record

Single Lots of Record

When a lot has an area or width which does not conform to the dimensional requirements of the district where they are located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be built upon if compliance is achieved with regard to setback dimensions and other requirements, except lot area or width. Lots that can not meet the setback and buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Lots With Contiguous Frontage in One Ownership:

When two (2) or more adjoining lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, but such lots were of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lots nonconforming, for the purpose of development such lots must be combined to form a parcel of no less than 20,000 square feet. All lots must comply with the setbacks established for the zoning district in which they are located. Lots that can not meet the setback and buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Section 5-4. Relationship of Building to Lot.

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district, i.e., school campus, shopping center, industrial park, and so forth, as permitted by this ordinance.

Section 5-5. Required Open Space Not Used for Other Building

No part of any yard, other open space, or off-street parking or loading space required for any building, structure or other use shall be considered to be a part of a required yard, open space, off street parking or

loading space for any other buildings, structures or use unless explicitly provided to the contrary in this Ordinance.

Section 5-6. Road Access

No building shall be erected on a new lot created after adoption of this amendment which does not have access, directly or by easement, to a road whether publicly or privately maintained. All private roads shall be constructed and maintained in accordance with the specifications adopted by the City of Trinity.

Section 5-7 Buildings and Land Used for Permitted Uses

Within the districts indicated on the zoning map, no building or land shall be used, and no building shall be erected or altered which is intended or designed to be used in whole or in part, for any use other than those listed as permitted for the district in this Article.

..

ARTICLE VI

ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

Section 6-1. Use District Names.

For the purpose of this ordinance, the City of Trinity is hereby divided into the following use districts with the designation and purposes as listed below:

RA	Residential Agricultural District
R-40	Residential District
R-20	Residential District
R-12	Residential District
RM	Mixed Residential District
MF-R	Multi-Family Residential
O&I	Office and Institutional
CS	Community Shopping District
HC	Highway Commercial District
M-1	Heavy Manufacturing District
M-2	Light Manufacturing District
WSO	Watershed Overlay District
MHO	Manufactured Home Overlay District

Section 6-2. District Boundaries Shown on Zoning Map.

The boundaries of the districts are shown on the map accompanying this ordinance and made a part hereof entitled "Official Zoning Map, Trinity, North Carolina." The zoning map and all the notations, references, and amendments thereto, and other information shown thereon are hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is posted at the City Hall in Trinity and is available for inspection by the public.

Section 6-3. Due Consideration Given to District Boundaries.

In the creation, by this ordinance, of the respective districts, careful consideration is given to the peculiar suitability of each and every district for the particular uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with a well considered comprehensive plan for the physical development of the community.

Section 6-4. Rules Governing Interpretation of District Boundaries.

- (a) Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
1. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
 2. Where such district boundaries are indicated as approximately following street, alley, or highway lines, the centerline of said facilities shall be construed to be such boundaries.

3. Where district boundaries are so indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.
 4. Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term “least restricted” shall refer to zoning restrictions.
- (b) The Enforcement Officer shall determine boundary interpretations based on the above criteria. Appeals from the decision of the Enforcement Officer shall be made to the Board of Adjustment. Appeals from the decision of the Board of Adjustment shall be made to Superior Court of Randolph County.

ARTICLE VII

DESCRIPTION AND PURPOSES OF DISTRICTS

Section 7-1 RA Residential Agricultural District

At the time of adoption of Trinity's initial Zoning Ordinance considerable land in Trinity is zoned Residential Agricultural. This is a carryover from its Randolph County zoning classification. This classification provides a place for agricultural operations and scattered non-farm residences on traditional rural lots. Only minor conventional residential subdivisions (three or fewer lots) are allowed in this district. Requests for higher intensity residential use or other uses, consistent with the Trinity Land Development Plan, are handled through the rezoning process.

Section 7-2 R-40 Residential District.

The R-40 Residential District is established for low density residential and agricultural purposes with some limited public, semi-public, and recreational uses permitted when they are compatible to low density residential developments.

Section 7-3 R-20 Residential District

The R-20 Residential District is established for low density residential uses, some public, semi-public, and recreational activities that are compatible with residential development. Public water and sewer are a pre-requisite to development in this district.

Section 7-4 R-12 Residential District

The R-12 Residential District is established for high density residential uses, some public, semi public and recreational activities that are compatible with residential development. Public water and sewer are a prerequisite to development in this district.

Section 7-5 Mixed Residential District.

The purpose of this district is to provide a place for residential uses of all types (single family residences; multi-family dwellings; manufactured home parks and manufactured home subdivisions. Medium density development is permitted provided that water and sewer systems are made available and approved by the appropriate authorities.

Section 7-6 Multi-family Residential District.

The Multi-family Residential District is established for the provision of adequate space and planning of multi-family developments on more than two (2) acres of land. Limited public, semi-public and commercial uses are permitted when they are compatible with these uses. Sufficient buffer and open space shall make it compatible with surrounding land uses.

Section 7-7 O&I Office and Institutional District.

The O & I Office and Institutional District is established to provide for business and professional office use, service occupations and light commercial uses. Because the Office and Institutional uses are subject to the public view, developers and operators of offices and business should provide an appropriate

appearance, parking and design of entrances and exits to offices and businesses in a manner to minimize the traffic congestion.

Section 7-8 CS Community Shopping District.

The Community Shopping District is established to provide for retailing goods and services to the passing motorists and residents living in the area. Because the business uses are subject to the public view, developers and operators of businesses should provide an appropriate appearance, parking and design of entrances and exits to businesses in a manner to minimize traffic congestion. The regulations of this district are designed to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.

Section 7-9 HC Highway Commercial District.

The Highway Commercial District is established to provide for a compact neighborhood shopping district which provides convenience goods such as groceries and pharmacies and some types of personal services to the surrounding residential area. The regulations are designed to protect the surrounding residential districts and provide an appropriate community appearance. Parking and design of entrances and exits to businesses must be established in a manner to minimize traffic congestion.

Section 7-10 M-1 Heavy Manufacturing District.

The M-1 Heavy Manufacturing District is established for those areas of the community where the principle use of land is for manufacturing, industrial, and warehousing uses. These uses, by their nature, may create some nuisances which are not properly associated with residential, institutional, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

Section 7-11 M-2 Light Manufacturing District.

The M-2 Light Manufacturing District is established for manufacturing, industrial and warehousing located on planned sites with access to major highways and streets and with adequate utility facilities. This district is intended to allow a lower density of manufacturing and warehousing operations which create a more desirable appearance and less environmental pollution than a more dense manufacturing zone. These uses by their nature may create some nuisance which is not properly associated with residential, institutional, commercial and or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby development property. The purpose of these regulations is to control building and traffic congestion and to provide an appropriate community appearance.

Section 7-12 Overlay Districts – Establishments and Requirements

Overlay districts make regulations applicable to certain areas which are in addition to the regulations applicable to underlying general use district.

A. WSO Watershed Overlay District

Trinity's Watershed Overlay District (WSO) sets forth regulations for protecting that portion of the Lake Reece watershed that lies within Trinity's zoning jurisdiction. The regulations are applicable to all lands which drain into the Lake Reece reservoir. These regulations are specified in Trinity's Water Supply Watershed Protection Ordinance.

Land use within the Watershed Overlay District must comply with all the requirements of both the underlying zoning district and the Watershed Overlay District.

B. MHO Manufactured Home Overlay District for Manufactured Home Subdivisions

The Manufactured home Overlay District sets forth regulations governing the development of subdivisions for manufactured homes in Trinity.

- 1) Criteria for Establishment of District – Manufactured homes may be permitted in a subdivision of single-family lots in a residential district, provided overlay district zoning is approved by the City Council. A minimum of ten contiguous lots, meeting the dimensional requirements of the applicable zoning district, excluding public street right-of-way, is required to establish a manufactured home subdivision in a Manufactured Home Overlay District.
- 2) Standards for Dwelling Units - Only manufactured dwellings meeting Class A criteria as defined in Article V Definitions of this Ordinance shall be permitted.
- 3) Manufactured Homes Front Entrance Requirements. Every manufactured home site shall have a minimum 5 ft. x 10 ft. x 4 in. thick concrete slab at the front door area or a 8 ft. x 12 ft. treated lumber deck or porch built of treated lumber and built to North Carolina Building Code specifications at the front entrance.
- 3) Rezoning – An application for a Manufactured home Overlay district shall be processed, considered and voted on in the same manner as for a rezoning.
- 4) Site Development and Parking – Consistent with Trinity subdivision requirements. All manufactured home subdivisions shall be located on roads constructed to North Carolina Department of Transportation, Division of Highways, subdivision road standards.

Section 7-13 Conditional Zoning Districts

General Requirements

1. Application: Only the property owner(s) of all the property to be included in the district shall apply for rezoning to an appropriate Conditional Zoning District. Specific conditions applicable to these districts may be proposed by the petitioner or the City or its agencies, but only those conditions mutually approved by the city and the petitioner may be incorporated into the zoning regulations or permit requirements.
2. Other Regulations Apply: Within a Conditional Zoning District, all requirements of any corresponding general zoning district, and all other requirements of this Ordinance, shall apply except to the extent that the approved conditions are more restrictive than those requirements.

3. **Uses Within District:** Within a parallel Conditional Zoning District, only those uses authorized by Section 7-14 (Permitted Uses) as allowed in the general zoning district to which the Conditional Zoning District corresponds shall be permitted. No use(s) shall be permitted except those use(s) authorized by the Conditional Zoning District approval.
4. **Conditions:** In a Conditional Zoning District, conditions may specify the location on the property of the proposed use(s); the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, and access streets; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of rights-of-ways and other areas to be dedicated for public purposes; and other such matters as the applicant may propose as conditions upon request.
5. **Approval Statement:** A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a conditional district or other small scale rezoning.
6. **Compliance with Approved Plan:** No permit shall be issued for any development activity within a Conditional Zoning District except in accordance with the approved Conditional Zoning Site Plan.
7. **Violation of Conditions:** Any violation of a condition in an approved Conditional Zoning District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, for the same reason that any use permitted in a Conditional Zoning District is permitted only subject to the specified conditions.
8. **Cancellation of Site Plan Approval:** If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, the approval of the Conditional Zoning Site Plan shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.

Procedure

1. **Processing Application:** Applications for Condition Zoning Districts shall be processed, considered, and voted upon in the same procedure as that required in Article XVII. No Conditional Zoning site Plan shall be approved prior to approval of the Conditional Zoning District to which it applies.
2. **Application Consideration:** In considering applications for Conditional Zoning Districts, the Zoning Board and City Council shall give due regard that the purposes and intent of this Ordinance shall be served.
3. **Conditions Perpetually Binding:** Any conditions in association with a Conditional Zoning District and so authorized shall be perpetually binding upon the property included in such Conditional Zoning District unless subsequently changes or amended as provided for in this Article.
4. **Greater Restrictions:** In approving a conditional zoning district the City Council may impose only more restrictive requirements upon such district as may be necessary to comply with the purpose and intent of this ordinance.

5. No removal of Other Requirements: No condition on a Conditional Zoning District application shall have the effect of removing or amending any requirements of this ordinance.
6. A Conditional Zoning Site Plan shall be submitted for review for any development made pursuant to any Conditional Zoning District to the Planning and Zoning Board and City Council. Site specific conditions must be shown on this plan.
7. Amendment of Conditions: The City Council may change or amend a Conditional Zoning District in the same procedure as that required for the original approval of the Conditional Zoning District.

Timing of Amendment Proposal: No proposal to change or amend any Conditional Zoning District shall be considered within one (1) year after the date of the original approval of such district, or within one (1) year after the hearing of any previous proposal to change or amend

Section 7-14 Permitted Uses in Zoning Districts

Within each zoning district, land, building and structures shall only be used and buildings and structures shall only be erected which are intended to be used for the uses listed in the Table of Permitted Uses, Table 7-13. In the appropriate columns of the Table, uses permitted by right in the various districts are indicated with an "X;" uses requiring a Special Use Permit are indicated by an "S;" and uses requiring a Manufactured Home Overlay Zone are indicated with an "O."

	RA	R-40	R-20	R-12	MF-R	RM	O-I	CS	HC	M-1	M-2
Accessory Uses – See Note 1	X	X	X	X	S	S	X	X	X	X	X
Adult Uses (see Sexually Oriented Businesses)										S	
Agricultural Uses – Field Crops	X	X	X				X	X	X	X	X
Agricultural Uses – Livestock, see note 12	X										
Amusements, indoor commercial (e.g. bowling alleys, skating rinks, pool halls, video arcades)								X	X	X	X
Apparel & accessory sales								X	X	X	X
Apartments					S	S					
Art Galleries							X	X	X		
Athletic fields, recreational use buildings, playgrounds, swim and racquet clubs (non-profit)	S	S	S	S	S	S					S
Auction sales, permanent facility										X	X
Automobile body shops (includes screened storage of wrecked vehicles - See Note 2										X	X
Automobile car wash, drive through								S		X	X
Automobile parts sales, (no open storage)								X		X	X
Automobile parking lots, (stand alone public/private)							X	X		X	X
Automobile repair service, See Note 2										X	X
Automobile sales, and rental (new & used)										X	X
Banks & Savings & Loans							X	X	X	X	X
Barber & Beauty Shops/Salons							X	X	X	X	X
Bed Breakfast/Tourist Home	S	S	S				X	X	X		
Boats, Recreational Vehicles (sales & service)										S	S
Bottling Plants										X	X
Builders Supply Sales, See Note 3								X		X	X
Cabinet Making										X	X
Cemeteries, Mausoleum	S	S									
Chemical Manufacturing										X	
Churches, religious congregations & their customary accessory uses excl. cemeteries	S	S	S	S				S			
Clinics, medical, dental, professional							X	X	X		X
Clubs & lodges, (non-profit)	S	S						X			X
Community centers,	S	S	S	S	S	S					S

	RA	R-40	R-20	R-12	MF-R	RM	O-I	CS	HC	M-1	M-2
public/private non-profit, for assembly & recreation											
Concrete & asphalt products plant										X	
Condominiums					S	S					
Contractor's yard & outdoor storage area, See Note 3										X	
Convenience Store with gas pump								S	S	X	X
Day care facility, adult	S	S			S	S					
Day care facility, child and pre-School	S	S			S	S	S	S	S		
Day care, in-home 5 or fewer	X	X	X	X							
Dairy products, wholesale & processing										X	X
Doctors, Dentists Offices							X	X			
Drive-in window services (banks, laundries, restaurants, pharmacies, etc.) where use is permitted in district							X	X	X	X	X
Dry cleaning & laundry (retail)								X	X	X	X
Exterminating services								X		X	X
Fairs, amusements, carnivals, rides, ferris wheels, etc., temporary	S	S						S		S	S
Family Care Homes – See note 13	X	X	X	X		X					
Farm machinery sales/service								X		X	X
Farm supplies sales, (feed, seed, fertilizer, etc.)								X		X	X
Fire, sheriff & emergency services	S	S	S	S		S	S	X	X	X	X
Flea markets, (indoors)								X		X	
Florists/Gift shops							X	X	X		
Foundries, metal										X	
Funeral Homes							X	X	X		
Furniture refinishing										X	X
Golf, miniature								X	X		
Golf Courses	S	S	S	S							
Governmental Offices							X	X	X		
Grocery Stores								X	X	X	X
Group Homes	S	S			S	S	S				
Hardware, paint & garden supplies, See Note 3								X		X	X
Health Club/Spa							X	X	X	X	X
Hobby and Craft Stores								X	X		
Home furnishing & appliance								X	X	X	X

	RA	R-40	R-20	R-12	MF-R	RM	O-I	CS	HC	M-1	M-2
sales											
Home and Garden Supply Retailer, over 25,000 sq. ft.									S	S	S
Home occupations – See Note 4	X	X	X	X							
Hotels & Motels								X	X		
Industrial Equipment sales/service										X	X
Junkyards										S	
Kennels, commercial with Outdoor Runs	S										S
Laboratory, medical & dental							X	X		X	X
Laboratory, research								X		X	X
Laundry or dry cleaning								X	X		
Lawn and Garden supplies, See Note 3								X		X	X
Library, public							X	X	X		
Locksmith, gunsmith								X	X		
Machine shop, welding shop										X	X
Manufactured Home Park – See Note 5						S					
Manufactured Home on Individual Lot (Class A only), See Section 7-11B.						O					
Manufactured Home Class A, See Section 7-11B						O					
Manufactured Home Class B, See Note 6						S					
Manufactured Home Subdivision, See Section 7-11B						O					
Manufactured home, travel trailer camper, boat, recreational vehicles sales, etc.										S	S
Manufactured structures temporary, See Note 7							X	X	X	X	X
Manufacturing, apparel, soft goods, textiles										X	X
Manufacturing, brick, tile/cement										X	
Manufacturing, furniture and upholstery										X	X
Manufacturing, machine tools										X	
Manufacturing, fertilizers, metal plating, milling (feed, flour, etc.), paper goods, etc.										X	
Manufacturing, sawmills										X	
Mini warehouse, Storage Buildings					S	S			X	X	X
Monument, cut stone										X	

	RA	R-40	R-20	R-12	MF-R	RM	O-I	CS	HC	M-1	M-2
manufacture & sales											
Nursery & plant cultivation sales, See Note 3								X		X	X
Nursing & rest homes	S	S			S	S					
Office supply sales								X	X		
Outdoor storage yards, See Note 3								X	X	X	X
Pharmacy & drug store							X	X	X		
Photographic Studio							X	X	X	X	X
Planned Building Groups, Commercial or Industrial							S	S	S	S	S
Planned unit developments; cluster homes	S	S	S	S	S	S					
Post Office, Public Buildings							X	X	X	X	X
Printing and copy shops							X	X	X		
Professional & business offices							X	X	X		
Public utility substations & facilities, See Note 9	S	S	S	S	S	S	S	S	S	S	S
Radio-control model races-car track (electric models cars only)										S	S
Radio or television studio								X		X	X
Radio or television tower	S	S								S	S
Reception House	S	S									
Recycling Convenience Site	S	S					S	S	S	S	S
Recycling Processing Facility, Indoors										X	X
Repair, rental & service of products sold within the same district, conducted indoors								X		X	X
Residence, apartments, condominiums, townhouses					S	S					
Residence, cluster developments	S	S	S		S	S					
Residence, duplex	X	X			S	S					
Residence, planned unit developments	S	S	S		S	S					
Residence, single-family detached, site built and modular, See Note 10	X	X	X	X		X					
Restaurants								X	X		X
Retail and Membership Warehouse Establishments, over 25,000 sq. ft.									S	S	S
Rooming house						S					
Schools, elementary and secondary	S	S	S	S	S	S					
Schools, business/trade								X	X	X	X
Seafood sales								X	X		

	RA	R-40	R-20	R-12	MF-R	RM	O-I	CS	HC	M-1	M-2
Service stations								S	S	X	X
Sexually oriented businesses										S	
Sheet metal fabrication										X	X
Shooting Range, Outdoor	S										
Sign, (manufacturing)								X		X	X
Storage, above ground flammable liquids for distribution										S	S
Studios, for artist, dancers, gymnastics, martial arts, designers, musicians, photographers							X	X	X		
Swimming Pool, as Accessory use – See Note 11	X	X	X	X	S	S		X			
Tailor Shop							X	X	X		
Tattoo and body piercing								X		X	
Taxidermy								X			
Telecommunications Towers	S	S								S	S
Temporary offices, (mobile structures for use during construction), See Note 8							X	X	X	X	X
Theatre, indoor								X	X		
Tire recapping										X	
Townhouse Developments					S	S					
Trailer rentals (semi-tractor-trailers)										X	
Trucking terminal										X	
Urgent Care Clinic							X	X	X		
Veterinary clinic with Outdoor Run	S										S
Veterinary Clinic, No Outdoor Run							X	X	X		X

Section 7-15

Development Standards for Particular Uses - Notes to the Table of Permitted Uses

1. **Accessory Uses** – In RA and R40 residential districts, residential occupancy may be an accessory use however the accessory structure must not be more than 40% of the primary structure square footage. Outside storage as an accessory use is permitted only in the Heavy Manufacturing district, provided it is enclosed by a fence at least six feet high. See Note 9 for swimming pools as an accessory use.
2. **Automobile Body Shop; Automobile Repair Service** – Outdoor servicing, repair or disassembly is not allowed. Junkyards, automobile graveyards, or the outside storage of secondhand material for resale are prohibited in any form. All vehicles stored overnight must be stored every night behind the front lot line. Temporary storage of more than 10 vehicles is permitted only if an opaque screened enclosure at least 6 feet high is provided.
3. **Builders Supply Sales, Contractors Yards, Sales and Rental with Outdoor Storage** – All outside storage shall be completely screened from view from all streets. Security fencing, a minimum of six feet in height, shall be provided around all outside storage yards. All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties. Where storage yards abut a residential use, the storage area shall be screened and buffered by plantings at least six feet tall.
4. **Home Occupations (including renting of rooms).** Home occupations are permitted only as an incidental use inside the home and must operate within the following guidelines:
 - A home occupation shall occupy no more than 25% percent of the gross floor area of a dwelling unit.
 - No outside storage or display of items associated with the home occupation is permitted.
 - Signage identifying a home occupation may not be illuminated and is limited to one wall or one freestanding sign per zoning lot and a maximum display surface of four (4) square feet. A permit is required as provided by Article 11 Signs.
 - The home occupation must be conducted entirely within a dwelling unit.
 - Only one person may be employed who is not an occupant of the residence.
 - Activities shall not generate traffic, parking, noise, odors, or electrical interference beyond what normally occurs in the zoning district.
 - Instruction in music, dancing, art or similar subjects shall be limited to no more than five (5) students at one time.
 - Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, accountants, music and art lessons, family day care (5 or fewer persons), food catering, and handcrafting, etc.
5. **Manufactured Home Parks** –
 - New Manufactured Home Parks - See Special Use provisions parks.
 - Existing Manufactured Home Parks – Replacement of Homes:
Manufactured Homes may be replaced in existing manufactured home parks by Class A or B homes and must meet the following requirements:
 - (a) **Underpinning Requirement.** Manufactured homes entering approved manufactured home parks shall, after the adoption of this Ordinance, and upon installation of the unit, have a permanent masonry foundation.

- (b) **Tying Down Manufactured Homes.** Every manufactured home placed in the park must be tied down to resist overturning in the event of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.
 - (c) **Wheel and Axle Removed.** Every manufactured home placed in the park must have wheels and axles removed.
 - (d) **Manufactured Homes Front Entrance Requirements.** Every manufactured home placed in the park shall have a concrete pad (5ft x 10ft x 4in) or a deck or porch (8ft x 12ft) built of treated lumber and built to North Carolina Building Code specifications at the front entrance.
- 6. **Manufactured Home, Class B** - Class B manufactured homes are permitted in manufactured home parks, not on individual lots.
- 7. **Manufactured Structures, Temporary** – Manufactured structures are allowed as temporary facilities in specific situations:
 - As temporary office quarters but not for human habitation; and
 - As temporary classroom units where public schools are permitted as long as the units are approved by the N.C. Department of Insurance. The Zoning Administrator shall issue temporary use permits for 12 months, renewable for successive six month periods as long as the specific conditions which created the need for the temporary unit exist.
- 9. **Public Utility Substations Including Transformer Stations, Pump and Lift Stations, etc.** - The entire facility shall have a security fence at least six feet high unless the structure is secured and built of brick or concrete. If the installation abuts a residence, it must be at least 50 feet from the residence and shall be screened from the residence with a thick buffer of evergreen shrubbery or trees which will reach at least six feet in height. Equipment producing noise in excess of 70 decibels shall be located at least 100 feet from the nearest residence.
- 10. **Residence Single Family Detached (Site Built and Modular)** - G.S. 143-139.1 as currently written or hereafter amended identifies the following construction and design standards for modular homes to qualify for a North Carolina State Residential Building Code seal or label.
 - 1. **Roof pitch.** - For homes with a single predominant roofline, the pitch of the roof shall be no less than five feet rise for every 12 feet of run.
 - 2. **Eave projection.** - The eave projections of the roof shall be no less than 10 inches, which may not include a gutter around the perimeter of the home, unless the roof pitch is 8/12 or greater.
 - 3. **Exterior wall.** - The minimum height of the exterior wall shall be at least seven feet six inches for the first story.
 - 4. **Siding and roofing materials.** - The materials and texture for the exterior materials shall be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
 - 5. **Foundations.** - The home shall be designed to require foundation supports around the perimeter. The supports may be in the form of piers, pier and curtain wall, piling foundations, a perimeter wall, or other approved perimeter supports.

In addition, the following appearance standard shall apply to all new site-built and modular residential structures in Trinity:

- **Foundation Materials** - A continuous masonry curtain wall at the foundation shall be required, un-pierced except for required access and ventilation points. Acceptable facing materials include brick, decorative concrete masonry units or similar masonry material as approved by the Enforcement Officer.

Residential structures which cannot meet this standard may appeal to the Board of Adjustment under the provisions of Article XVI.

Single Family detached, site built and modular homes are allowed under Mixed Residential (RM) but only with a Planned Unit Development and only when a special use permit is issued.

11. **Swimming Pools (as accessory uses)** - Pools shall be located so as to comply with the minimum setback requirements for accessory structures for the district in which it is located. Pools which are not an integral part of the principal building shall be located a minimum of ten feet from the principal building. Security Fencing: Swimming pools located outdoors shall be protected by a fence, or equal enclosure four feet high and equipped with a self closing and positive self latching gate provided with hardware for permanent locking.
12. **Agricultural Uses-Field Crops** - A minimum lot size of 2 1/2 acres shall be required to keep livestock. Appropriate fencing shall be required to contain the livestock. A zoning permit shall be required for the construction of any accessory structures associated with livestock use. All livestock shall be maintained in accordance with the City of Trinity Animal Control Ordinance.
13. **Family Care Homes** – No family care home shall be located in a multi family residence (townhouse, condominium or apartment).

ARTICLE VIII

SPECIAL USES

Section 8-1 Objectives and Purposes

Permitting Special Uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties.

The uses for which Special Use Permits are required are listed in the Table of Permitted Uses. A detailed description of the procedures which must be followed in the issuance of each permit is contained in the following pages. Uses specified in this section shall be permitted only upon the issuance of a Special Use Permit by the City Council.

Section 8-2 Application

The applicant for a Special Use Permit is the owner or owners of all property covered by the request. It is recommended that the applicant, or his/her representative, meet with the Zoning Enforcement Officer before beginning the application process to discuss the proposed plans and the special use process.

In applying for a Special Use Permit, the burden is on the applicant to present sufficient evidence to allow the City Council to make a finding that all of the required specific standards will be met.

The owner(s) of all property included in the petition for a Special Use Permit shall submit a complete application to the Zoning Enforcement Officer at least 20 days before the meeting of the Planning Board at which it is to be first considered. Such application shall include all of the requirements pertaining to it in this section and without such information cannot be processed for consideration. Applications shall include site plans and shall be prepared to provide a full and accurate description of the proposed use including its location, appearance and operational characteristics.

At the time of submission, applicants shall pay a fee established by the City Council.

Section 8-3 Planning Board Review; Notice; Recommendations.

When deciding special use permits the Planning and Zoning Board shall follow quasi-judicial procedures.

The Planning Board shall review the application and forward its recommendations to the City Council. In the course of its review, the Planning Board shall consider the site plan, all requirements for the particular use, the compatibility of the proposed use with the zoning district and surrounding properties, and its compatibility with Trinity's Land Development Plan.

At the meeting during which the application is considered, the Planning Board shall conduct a public hearing. Notice of the hearing shall be sent by first class mail to the owner of the property and to owners of adjacent properties as listed in the Randolph County tax registry; it shall be posted on the property for which the Special Use Permit is sought and run in a newspaper of local distribution once weekly for two consecutive weeks. At the hearing, substantial, competent and material evidence shall be presented under oath.

The Planning Board shall make a written recommendation to the city Council applying the land-use impact facts of the proposed special use to the following standards:

- a) that the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- b) that the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
- c) that the use or development is located, designed, and proposed to be operated so as not to substantially injure the value adjoining or abutting property, or that the use or development is a public necessity; and
- d) that the use or development will be in harmony with the area in which it is to be located and conforms with the general plans for the land use and development of City of Trinity and its environs.

The Planning Board shall forward its recommendations and findings to the city Council within 30 days after its review, unless the Board requests and is granted an extension by the Council. Failure to submit a recommendation shall be deemed a favorable recommendation.

Section 8-4 City Council Hearing; Notice; Action

When deciding special use permits, the City Council shall follow quasi-judicial procedures.

On receiving the application and the recommendations of the Planning Board, the City Council shall give notice of a public hearing on the application. Notice of the public hearing shall be sent by first class mail to the owner of the property and to owners of property within six hundred (600) feet as listed in the Randolph County tax registry; posted on the property for which the special use permit is sought and run in a local newspaper once weekly for two consecutive weeks before the public hearing.

All evidence presented at the public hearing shall be under oath, and evidence shall be competent, substantial, and material. The City Council shall consider the application, Planning Board recommendations, and comments at the public hearing and may grant or deny the special use permit requested.

If the Council grants the special use permit, the approval shall include approval of plans as may be required. In granting the permit, the City Council shall make a written decision that: (a) identifies the key facts of the case, and (b) applies these facts to the following standards:

- a) that the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- b) that the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
- c) that the use or development is located, designed, and proposed to be operated so as not to substantially injure the value adjoining or abutting property, or that the use or development is a public necessity; and
- d) that the use or development will be in harmony with the area in which it is to be located and conforms with the general plans for the land use and development of City of Trinity and its environs.

When voting on the Special Use Permit Request, a majority vote of Council is sufficient to grant the request.

For the purpose of this section, vacant positions on the Council and member who are disqualified from voting on quasi-judicial matter shall not be considered members of the Council for calculation of the requisite majority.

In granting the Permit, the Council may designate only those conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.

If the Council denies a request for a Special Use permit, it shall enter the reasons for its action in the minutes of the meeting at which the action was taken.

Section 8-5 Conflicts of Interest

A member of the Board or City Council shall not participate in or vote on any quasi-judicial matter in a matter that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Section 8-6 Appeal of Decisions

No appeal may be taken from the action of the City Council in granting or denying a Special Use Permit, except through Superior Court of Randolph County. Any petition for review shall be filed with the Clerk of Superior Court within 30 days after decision of the Council is filed in the office of the City Clerk, or after a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The Council's decision may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

Section 8-7 Failure to Comply with Plans or Conditions

In the event of failure to comply with the plans approved by the City Council or Board of Adjustment or with any other conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued. If a failure to comply with conditions in a special use permit occurs after occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation. No earlier than five days after the receipt of the written notice, the body issuing the special use permit may issue a finding of fact that a violation of the requirements of this ordinance exists. If such finding of fact is made, it shall be unlawful for any person, firm or corporation to continue the special use until the responsible party makes the necessary corrections and the body authorized to issue the permit conducts a public hearing and finds that the violation no longer exists.

Section 8-8 Regulations for Special Use Permits

Detailed regulations for the special uses subject to this section are set forth in the following regulations for special uses and the notes related to those provisions.

Use:	Adult Establishments
Special Use District:	M-1
Information Required for Special Use Permit Application:	<p>The following information is required, in addition to information usually required for a Special use Permit::</p> <ul style="list-style-type: none"> a) Name, address and age of the applicant; or if a partnership, the names, addresses and ages of the persons who constitute such partnership; or if a corporation, the names, addresses and ages of its directors, officers and principal stockholders. Each application shall also include the names, ages and addresses of all present employees. b) A complete statement of convictions of any person whose name is required to be given in paragraph (a) for any crime other than traffic violations, including but not limited to, any felony, prostitution or violation of any local ordinance or state law related to adult establishments, pornography or indecent exposure. c) A description of any other business to be operated on the same premises or on adjoining premises owned by or controlled by anyone listed in (a) above.
Location Restrictions:	<p>No adult establishment may be located within 1500 feet of residence, school, church, community center, community college, community recreational facility, or another adult establishment</p> <p>All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment is to be located to the nearest point of the lot line or boundary of the closest residence or other use enumerated above.</p>
Light and Noise:	<p>Flashing lights or fluttering devices designed and used to attract attention are not permitted.</p> <p>Amplification of sound directed outside the building used by the establishment is also not permitted.</p>
Verification of Application Information:	<p>The application for a special use permit for an adult establishment shall be acted on as prescribed by this ordinance. In addition,</p> <ul style="list-style-type: none"> a) The City shall be given 30 days from receipt of a properly completed application form to verify the information contained in the application before any further steps are taken. b) The application must contain no misstatement of fact. c) The applicant, or any person having a legal or beneficial interest in the establishment, or any employee cannot have been convicted of any crime or ordinance violation involving sexual

misconduct, including but not limited to G.S.14-177, G.S. 14-202.1, G.S.14-203, G.S. 14-208, or any local, state or federal law related to racketeering or the possession, sale or distribution of a controlled substance.

Compliance with applicable ordinances and codes:

The applicant must conform to all requirements of applicable law, including building and fire prevention codes and the approval has been obtained pursuant to zoning requirements provided by law.

Conditions Leading to Revocation of Special Use Permit:

The City Council shall revoke a special use permit issued pursuant to this section if it finds the any one of the following:

- a) A misstatement of fact contained in the application is discovered after issuance of the permit.
- b) The applicant allows persons or corporations to own in interest in or be employed by the business after issuance of the permit which would have been in violation of **Information Required for Special Use Permit Application** (previous page) if the same had owned an interest or been employed at the time of filing the application.
- c) The applicant has violated any provision of this ordinance.
- d) The applicant or beneficial owner or an employee is convicted of any crime after issuance of the permit which are listed in **Information Required for Special Use Permit Application**.
- e) The permittee violates any zoning, building or fire prevention ordinance.

Use:	Apartments.
Special Use District:	MF-R, RM
Density	<u>Density:</u> 12,000 square feet, plus 3,000 square feet for each additional unit over 2.
Site Plan	<u>Site Plan:</u> The site plan shall show the location of the building, streets, walkways, parking, (as per Article XII) recreational areas and facilities within the site; all existing buildings and structures within one hundred (100) feet; and public or private easements or rights-of-way adjoining or intersecting such property.
Design Standards Included in Site Plan:	<p>Timing: Proposed schedule of development phases.</p> <p>Circulation: Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.</p> <p>Landscaping: When a proposed apartment complex abuts a residentially zoned lot, the complex must adhere to the following landscaping requirements.</p> <ol style="list-style-type: none"> At least two (2) rows of evergreen trees which may be selected from the recommended <u>List of Recommended Species</u> (on file with the Zoning Enforcement Officer) shall be planted. Trees shall have a minimum height of three feet (3') when planted. The rows shall be spaced seven feet (7') apart and centered within the buffer strip. Tree spacing shall be eight feet (8') off centered with trees in adjacent rows offset (staggered) four feet (4'); and a solid visual barrier fence six feet (6') in height shall be erected around any loading, unloading, or outdoor storage areas; and Earth berms may be used in conjunction with planting to satisfy height requirements; but slopes shall not exceed one foot (1') to two feet (2') horizontal. At least one (1) deciduous tree shall be planted along the street no less than ten feet (10') off of the right-of-way (on private property), for each forty feet (40') of street frontage or fraction thereof for new construction or extensive rehabilitation. Each tree shall be at least one and one-half inches (1 ½") in caliper and may be selected from the <u>List of Recommended Species</u> or otherwise approved by the Planning and Zoning Enforcement Officer and shall be provided with adequate space for water percolation and root growth. In lieu of this requirement, the developer shall provide a Landscaping Plan and detailed plant list, approved by the Planning and Zoning Enforcement Officer, which provides for a variety of plantings which

achieve the desired aesthetic goals of the buffering requirement.

Traffic: A developer shall present a traffic analysis on projected traffic counts at peak hours and proposed plans to mitigate any congestion associated with the development.

Utilities: Proposed provisions for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer.

Proposed solid waste storage facilities consisting of a minimum 10' X 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') high ballards to protect said fence.

Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.

All plans showing utility construction details must meet the current specifications of the City of Trinity.

Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. Private streets shall be designed to assure proper access and turn around for service and emergency vehicles.

Buffering: Location and heights of all fences, walls, and hedges

Lighting plan: A lighting plan shall be provided that shows the type, height and density of all outdoor lighting.

When abutting a residential district lighting shall be designed so as not to create a nuisance on abutting property owners. The maximum illumination at the edge of the property line adjacent to a residential zoning district is ½ foot candles.

Recreation Area: Location and amount of recreation area, if any.

Signage: Size and proposed location of any freestanding signs.

Placement of Buildings: There shall be maintained at least twenty (20) linear feet of open space between individual and unattached buildings of one story and thirty (30) linear feet between building two stories or greater in an apartment development;

Setbacks from public street right-of-ways shall be the same as required by the zoning district where the apartments are located; and

Any group of buildings forming a courtyard shall have at least twenty-five (25%) percent of the perimeter of such courtyard open

for access by emergency vehicles.

Use:	Athletic Fields, Swim and Tennis Clubs, Community Centers, Parks and Playgrounds, Campgrounds, Clubs and Lodges
Special Use District:	RA, R-40, R-20, R-12, MF-R, M-2 for Athletic Fields, Parks and Playgrounds, Community Centers, Swim and Tennis Clubs, etc. RA, R-40, for Clubs and Lodges
Required Plans:	The applicant shall submit plans which show: <ul style="list-style-type: none"> a) location and approximate size of all existing and proposed buildings and structures on the site and within 500 feet of the site; b) proposed points of ingress and egress and the proposed pattern of internal circulation; c) proposed parking areas; d) proposed provision for storm and sanitary sewer; and the proposed treatment of ground cover, slopes, banks and ditches.
Setbacks:	All activities and facilities shall be located at least 20 feet from any property line.
Planted Buffers:	There shall be a planted buffer at least three feet thick and six feet high between this property and adjoining properties.
Lighting:	Lighting shall be located and shielded so as not to adversely affect adjacent property.
Fenced Swimming Pool:	A swimming pool area shall be enclosed by a fence at least five feet high approved by the Zoning Enforcement Officer.

Use:	Automobile Car Wash
Special Use District:	CS
Plans:	Plans shall be presented which show: <ul style="list-style-type: none"> Setbacks Location and layout of all buildings Fencing, screening and landscaping Provision for minimizing and slowing runoff from the site.
Setback:	Building(s) shall be at least 75 feet from any interior, side or rear property line which adjoins residentially or public-institutionally zoned property.
Screening:	A minimum six foot high opaque fence shall be provided adjacent to all residentially-zoned property. In addition, shrubs or trees with a height of six feet at maturity shall be planted on the side of the fence adjacent to the residential property.
Operational Requirements:	<ul style="list-style-type: none"> • All washing operations shall be contained in a building. • Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of vehicles where these services are offered on the site. These areas shall not conflict with on-site circulation patterns. • Hours of operation shall be between 8:00 a.m. and 8:00 p.m. when adjoining developed residentially zoned property. • Adequate provision shall be made for the safe and efficient disposal and/or recycling of waste products and runoff.
Condition of Property:	The entire property shall be kept in a clean, neat and orderly condition.

Use:	Bed and Breakfast (Tourist Home) Rooming House
Special Use District:	RA, R-40, R-20 for Bed and Breakfast / Tourist Home RM for Rooming House
Required Plan:	Applicant shall submit a plat showing the location of parking, buildings, adjacent uses, accessibility to thoroughfares, and buffering. The plat shall show or state the type of buffering.
Parking and Buffering:	<ul style="list-style-type: none"> a. Parking shall be allowed in the rear yard at one space per each room to be rented plus one space for each employee, plus two spaces for permanent occupants of the dwelling. b. All parking shall be buffered from adjacent properties by a buffer strip consisting of a screened fence or a planted strip at least five feet in width, composed of deciduous or evergreen trees or a mixture of each, less than one row of dense shrubs, spaced not more than five feet apart.
Use Separation:	No bed and breakfast or other similar use shall locate within four hundred (400) feet of a rooming house, boarding house or another tourist home.
Operation:	<ul style="list-style-type: none"> a. The facility must be owned by the landowner who also resides on the property. b. The use shall be located in a structure which was originally constructed as a dwelling. c. Meals served on premises shall be only for guests of the facility.
Signs:	Signs identifying the operation shall be non illuminated and shall be either wall or yard signs, no more than 2 square feet in area. One sign per zoning lot.

Use:	Cemeteries (as a principal use, not accessory to a church or synagogue)
Special Use District:	RA, R-40
Plans Required Must Show:	<p>The applicant shall present plans which show:</p> <ul style="list-style-type: none"> (a). topography of the area and assures a well-drained site with adequate storm drainage facilities; (b). location of signs, entrances and exits and buildings; (c). proposed points of access and egress and pattern of internal circulation; (d). proposed restrictions, if any.
Street Access and Parking:	<ul style="list-style-type: none"> a) Adequate off-street room shall be provided for funeral processions. b) The site shall have direct access to a collector or arterial street.
Buffer:	A screen of dense plant material at least six feet high shall be provided when a cemetery abuts a residential lot.

Use:	Churches and Religious Congregations with Their Customary Accessory uses
Special Use Districts:	RA, R-40, R-20, R-12, CS
Plans Required Must Show:	<p>The applicant shall present plans which show:</p> <ul style="list-style-type: none"> (a). topography of the area and assures a well-drained site with adequate storm drainage facilities; (b). location of signs, entrances and exits and buildings; (c). proposed points of access and egress and pattern of internal circulation; (d). proposed restrictions, if any.
Street Access and Parking:	(a). The site shall have direct access to a collector or arterial street.
Buffer:	A screen of dense plant material at least six feet high shall be provided when a church/synagogue abuts a residential lot.

Use:	Cluster Developments (residential)
Special Use Districts:	RA, R-40, R-20
Density:	The number of dwelling units per acre shall not exceed the density for the zoning district in which the cluster development is located. No minimum acreage is required. Open space is a required element of a cluster development and may be used to avoid topographical constraints, to protect tree cover, natural drainageways and floodplains, and to allow development on marginal land. In Trinity, “cluster developments” refers to residential developments.
Site Plan:	The site plan shall insure appropriate lay-out, sufficient open space and pleasing design layout of residences. It shall include: location of the buildings, streets, alleys, walks, parking areas, recreational areas and facilities, numbered and dimensioned residential sites and common areas within the site and all existing buildings and structures within one hundred (100) feet, in addition to public or private easements or rights-of-way adjoining or intersecting such property.
Design Standards included in Site Plan:	<p><u>Timing:</u> Proposed schedule of development likely to be followed.</p> <p><u>Storm Drainage and Sewer:</u> Proposed provisions for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer.</p> <p><u>Signs:</u> Size and proposed location of any freestanding signs;</p> <p><u>Solid Waste :</u> Proposed solid waste storage facilities consisting of a minimum 10’ X 20’ concrete pad with vehicle apron and a six foot (6’) high stockade fence on minimum of three (3) sides with six foot (6’) foot high ballards to protect the fence;</p> <p><u>Water System:</u> Proposed water system and fire fighting facilities such as hydrants or sprinkler connections;</p> <p><u>Road Surfacing:</u> Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles);</p> <p><u>Fences and Screening:</u> The location and heights of all fences, walls, and hedges shall be shown;</p> <p><u>Lighting plan:</u> All lighting shall be directed away from residential zoned areas. All lighting locations and heights shall be shown on the plan.</p> <p><u>Open Space / Recreation Area:</u> Location and amount of recreation area, if any; and</p> <p><u>Utilities:</u> All plans showing utility construction details must meet the current specifications of the City of Trinity.</p>

Placement of Buildings: Individual and unattached buildings in a planned unit development shall have side yards with a minimum of ten (10') feet;

Any group of buildings forming a courtyard shall have at least twenty-five (25%) percent of the perimeter of such courtyard open for access to emergency vehicles;

Setbacks from public street right-of-way shall be the same as required by the zoning district in which the cluster development is located; and

Common Areas: All cluster development shall contain commonly owned land for the use and enjoyment of the residents. Areas shall be designated on the site development plan as common areas and on the subdivision plan as an area to be held in separate ownership for the use and benefit of residents.

Declaration of Covenants and Restrictions: Approval of these common areas requires submission by the developer of a declaration of the covenants and restrictions that will govern the ownership management and maintenance of the common areas. Submissions and declarations shall follow the requirements of the North Carolina Unit Ownership Act. Submissions and declaration shall follow the requirements for establishment of homeowners associations for Townhouses set forth later in this Section.

Use:	Condominiums
Special Use District:	MF-R, RM
Density	<u>Density:</u> 12,000 square feet, plus 3,000 square feet for each additional unit over 2.
Site Plan	The site plan shall show the location of the building, streets, walkways, parking, recreational areas and facilities within the site; all existing buildings and structures within one hundred (100) feet; and public or private easements or rights-of-way adjoining or intersecting such property.
Design Standards Included In Site Plan:	<p><u>Timing:</u> Proposed schedule of development likely to be followed shall be submitted.</p> <p><u>Common Areas:</u> All condominium developments shall contain commonly owned land for the use of residents of the development.</p> <p><u>Landscaping:</u> When a proposed apartment complex abuts a residentially zoned lot, the complex must adhere to the following landscaping requirements.</p> <ol style="list-style-type: none"> a. At least two (2) rows of evergreen trees which may be selected from the recommended List of Recommended Species (on file with the Zoning Enforcement Officer) shall be planted. Trees shall have a minimum height of three feet (3') when planted. The rows shall be spaced seven feet (7') apart and centered within the buffer strip. Tree spacing shall be eight feet (8') off centered with the trees in adjacent rows offset(staggered four feet (4')); and a solid visual barrier fence six feet (6') in height shall be erected around any loading, unloading, or outdoor storage areas; and b. Earth berms may be used in conjunction with planting to satisfy height requirements; but slopes shall not exceed one foot (1') to two feet (2') horizontal. c. At least one (1) deciduous tree shall be planted along the street no less than ten feet (10') off of the right of way (on private property), for each forty feet (40') of street frontage or fraction thereof for new construction or extensive rehabilitation. Each tree shall be at least one and one-half inches (1 ½) in caliper and may be selected from the List of Recommended Species or otherwise approved by the Planning and Zoning Enforcement Officer and shall be provided with adequate space for water percolation and root

growth. In lieu of this requirement, the developer shall provide a Landscaping plan and detailed plant list, approved by the Planning and Zoning Enforcement Officer, which provides for a variety of plantings which achieve the desired aesthetic goals of the buffering requirements.

Traffic: A developer shall present a traffic analysis on projected traffic counts at peak hours and proposed plants to mitigate any congestion associated with the development.

Plans and Declaration: Before a declaration establishing a unit ownership development may be recorded in the office of the Randolph County Register of Deeds as prescribed in the North Carolina Unit Ownership Act, the declaration and plan shall be approved by the City Council. No unit shall be conveyed until the declaration and plan have been approved by the City Council and recorded in the Office of the Randolph County Register of Deeds.

Homeowners Association: The establishment of a homeowners association shall be mandatory.

The homeowners association shall be organized and established as a legal entity before or as a part of the final plat is approved and recorded. Membership in the homeowners association is mandatory for each original purchaser and each successive purchaser of a residential site.

The homeowners association shall be responsible for payment of premiums for liability insurance, local taxes, maintenance for recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas or assessments for a period of six (6) months, then each owner of a residential site in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, governmental authority may either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed shall constitute a lien on the residence of the owner.

**Homeowners Association
Documents To Be
Submitted:**

Proposed Articles of Incorporation. Such Articles of Incorporation shall provide for homeowners control when over 50% of the dwelling units are sold.

Proposed bylaws. Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.

Proposed annual budget. The association shall have an annual budget showing monthly assessments. The monthly assessments must be set at a sufficient level to insure success of the association.

Proposed restrictions and covenants. for the common area and residential sites.

Declaration: The Declaration shall be a complete legal document prepared in accordance with the North Carolina Unit Ownership Act and shall be submitted along with a plan drawing described below.

The plan of the proposed development shall be prepared and shall contain the following particulars:

The unit designation of each unit and a statement of its location, approximate area, number of rooms, and immediate common area to which it has access and any other data necessary for its proper identification.

Description of the general common areas and facilities as defined in the North Carolina Unit Ownership Act and the proportionate interest of each unit owner therein;

Description of all boundary lines between portions of the structures designed for different ownership;

Description of all garages, balconies, patios, etc., which form a part of each unit;

Description of any special common areas and facilities stating what units shall share the same and in what proportion;

Proposed water system and fire fighting facilities such as hydrants or sprinkler connections;

Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (private streets shall be designed to assure proper access and turn around for service and emergency vehicles);

The location and amount of parking spaces as per Article XII;

The location and heights of all fences, walls, and hedges shall be shown;

Location and amount of recreation area;

Signs: Size and proposed location of any freestanding signs along the public street

Utilities: All plans showing utility construction details must meet the current specifications of the City of Trinity; and

Proposed provision for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer.

Solid Waste: Proposed solid waste storage facilities consisting of a minimum 10' x 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') high ballards to protect said fence;

Lighting plan: A lighting plan shall be provided that shows the type, height and density of all outdoor lighting.

When abutting a residential district lighting shall be signed so as not to create a nuisance on abutting property owners. The maximum illumination at the edge of the property line adjacent to a residential zoning district is ½ foot candles.

Placement of Buildings:

Space Between Buildings: There shall be maintained at least twenty (20) linear feet of open space between individual and unattached buildings of one story and thirty (30) linear feet between building two stories or greater in a condominium development;

Setbacks: Setbacks from public street right-of-ways shall be the same as required by the zoning district where the condominium development is located; and

Courtyards: Any group of buildings forming a courtyard shall have at least twenty-five (25%) percent of the perimeter of such courtyard open for access by emergency vehicles.

Construction; Final Engineering Survey

Because a "final" plan may not be possible until an engineering survey has been made of the constructed condominium, City

Council may permit the applicant to build under the special use permit, providing all items other than the final engineering survey data of the boundary line have been provided by the applicant and approved by Council.

**Recording of Declaration
and Plan**

No declaration and plan shall be recorded until all final boundary description have been added to the plan and approved by the Zoning Enforcement Officer.

Use:	Day Care, Child, as Principal Use Day Care Adult, as Principal Use	
Special Use District:	Child Day Care	RA, R-40, MF-R, RM, OI, HC, CS
	Adult Day Care	RA, R-40, MF-R, RM
Required Plans:	Plans required, must show: <ol style="list-style-type: none"> 1. Location and approximate size of all existing and proposed buildings and structures within the site; also location of buildings on adjacent lots; 2. Proposed points of access and egress and pattern of internal circulation; 3. Layout of parking spaces or arrangements for on-street parking if off street parking is not available; 4. Location and extent of open play area. 	
Fenced Play Area:	For child day care centers: <ol style="list-style-type: none"> 1. The facility must meet state regulations for minimum square footage per child for interior and outdoor play space. 2. The aggregate play area must be surrounded by sturdy fence at least four feet high. 	
Screening:	Suitable screening must be provided to avoid any nuisance to adjoining residential properties. Where property abuts residentially zoned land, screening shall incorporate plantings at least six feet high that retain foliage year round.	
Hours of Operation:	In residential districts, day care centers shall not be operated between 7:00 pm and 6:00 am.	
Licensing Requirements:	All required state licensing requirements must be met and permits obtained.	

Use:	Fairs and Carnivals (including community and nonprofit carnivals)
Special Use District:	RA, R-40, MF-R, OI, CS, M-1, M-2
Required Plans:	<p>The applicant must submit plans which show:</p> <ul style="list-style-type: none"> (a) internal circulation patterns and provisions for parking (b) how noise, dust and traffic will be controlled - and the visual impact of the fair or carnival (c) size and location of signage (d) surrounding land uses within 500 feet of the property
Facilities:	Adequate bathroom facilities shall be provided.
Trash Removal:	The applicant shall coordinate with the city to provide for trash removal.
Days of Operation:	The special use permit shall specify the number of days of operation for the event.

Use: **Fire, Sheriff and Emergency Services**

Special Use Districts: RA, R-40, R-20, R-12, RM, OI

Plans Required Must Show: The applicant shall present plans which show:

- (a). topography of the area and storm drainage facilities that assure a well-drained site with adequate storm drainage;
- (b). location of signs, entrances and exits and buildings;
- (c). proposed points of access and egress
- (d). parking for on-duty fire fighters beside or behind the fire station

Street Access and Parking: The site shall have direct access to a collector or arterial street.

Buffer: A screen of dense plant material at least six feet high shall be provided when a fire station abuts a residential lot.

Use: **Golf Courses**

Special Use District: RA, R-40, R-20, R-12

Required Site Plan: A site plan must be submitted showing:

- (a) property boundaries
- (b) proposed buildings and parking areas
- (c) proposed points of ingress and egress
- (d) proposed pattern of internal automobile and pedestrian circulation
- (e) size and proposed location of signs
- (f) lighting plan
- (g) proposed schedule of development phases, if applicable

Runoff and Erosion Control: Plans must be submitted which demonstrate how run-off and erosion will be minimized and controlled. The plans must include proposed provisions for storm drainage and sanitary sewer approved by an N.C. certified registered engineer.

Use:	Group Care Facility (Group Home)
Special use District:	RA, R-40, MF-R, RM, OI
Operation:	<p>All group homes shall be licensed and/or sponsored by the appropriate state or local agency.</p> <p>The facility shall be limited to no more than thirty (30) persons.</p>
Property Separation:	No Such facility shall be located within one-half (1/2) mile of an existing group care facility.
Parking:	One space for every five (5) residents or fraction thereof, plus one parking space for each employee on the premises.
Signage:	One sign permitted, not to exceed three square feet in area.

Use:	Junkyards
Special Use District:	M-1
Minimum Acreage:	Ten (10) acres minimum are required for new junkyard/automobile graveyard facilities.
Site Plan:	<p>The site plan shall show the location of the buildings, proposed storage areas as well as the following details:</p> <ol style="list-style-type: none"> (1) A solid fence or wall not less than eight (8') feet in height shall be placed and maintained around all setback boundaries; an open space setback of at least fifty (50') feet shall be maintained around the enclosure; such area shall not be used for storage and shall be grassed and maintained in natural vegetation outside the enclosed area. (2) Weeds and grasses shall be controlled within the junkyard/automobile graveyard. (3) The height of items inside the junkyard/automobile graveyard shall not exceed the height of the barrier fence. (4) Items shall not be stored closer than five hundred (500') feet to any adjoining residential occupancy. <p>Copies of the site plan and application shall be sent to the appropriate State agencies.</p>
Stormwater and Erosion Control:	Stormwater runoff and erosion control measures shall be installed around the site in accordance with state standards.
Monitoring Well:	A monitoring well shall be installed on the site, if applicable. The applicant shall have the well tested at least once a year by an approved company or laboratory. Results of all tests shall be forwarded to the City of Trinity and appropriate state agencies.
Tire Storage:	All unmounted tires (200 maximum) shall be stored in an enclosed building to prevent the accumulation of storm water within the well of the tire.
Financial Responsibility:	The owner understands that he/she will be financially responsible for any contamination of the site and/or its environs.

Use:	Manufactured Home Parks
Special Use District:	RM
Minimum Lot Size:	<p>a) 40,000 sq. ' with individual well and septic tank; 40,000 sq.' inside watershed</p> <p>b) 15,000 sq. ' with individual septic tank and public or community water system; 40,000 sq. ' inside watershed</p> <p>c) 7,500 sq. ' with individual well and public community sewer; 12,500 sq. ' inside watershed</p> <p>d) 7,500 sq. ' with public or community water and sewer system; 12,500 sq. ' inside watershed</p> <p>Any and all lot sizes may be increased by the City Council to protect public health, safety and welfare</p>
Class A and Class B Homes Permitted; Tie Downs and Appearance	<p>Class A and Class B manufactured homes may be placed in a manufactured home park. Class C manufactured homes are a nonconforming use and may not be placed in a manufactured home park.</p> <p>Additional criteria:</p> <p>(a) Underpinning Requirement. Manufactured homes entering approved manufactured home parks shall, after the adoption of this Ordinance, and upon installation of unit, have vinyl, aluminum, galvanized metal or simulated rock/masonry panels, underpinning installed.</p> <p>(b) Tying Down Manufactured Homes. Every manufactured home placed in the park must be tied down to resist overturning in the event of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.</p> <p>(c) Wheel and Axle Removal. Every manufactured home placed in the park must have wheels and axles removed.</p> <p>(d) Manufactured Homes Front Entrance Requirements. Every manufactured home placed in the park shall have a concrete pad (5ft. x 10ft. x 4in.) or a deck or porch (8ft. x 12ft.) built of treated lumber and built to North Carolina Building Code specifications at the front entrance.</p>
Setbacks:	<p>a) <i>Park Setback Requirements.</i></p> <p>Front 30 ft. <i>from street lines</i></p> <p>Rear exterior 25 ft., <i>from rear property line</i></p> <p>Side interior 10 ft., <i>from adjoining parcels</i></p> <p>Side street 30 ft. <i>from side street line</i></p> <p>b) A manufactured home shall be sited so that:</p> <ul style="list-style-type: none"> • It is located at least twenty-five feet (25) from adjacent

- homes and
- A minimum five (5) foot setback from adjacent home spaces is maintained.
- c) Parking spaces shall be at least five (5) feet from adjacent home spaces.

Parking: Each park shall provide at least two (2) parking spaces per home. The minimum size of each space shall be eight and one-half feet (8 ½) feet by eighteen (18) feet. Parking spaces shall be at least five (5) feet from adjacent home spaces.

Signage : Each manufactured home park shall have located at its entrance, perpendicular to the public road, a permanent sign not to exceed sixteen (16) sq. ft. and not less than twelve (12) sq. ft., indicating the park name in a minimum of six (6) inch letters on both sides of the sign.

- The sign shall be bordered with shrubs or other year-round plantings that are maintained so as to enhance the park entrance.
- Any lighting of the sign shall be directed so that adjacent properties are not subject to glare.

All signage must comply with the Randolph County 911 addressing requirements.

Identification of Spaces: Each proposed home space in a manufactured home park shall be clearly marked by a permanent home space number sign or marker. The home space number shall be of a size, reflectivity and color and in a location which is readily identifiable by emergency personnel and inspectors. All home space number signs shall be consistent within a park and must be approved by the Randolph County 911 addressing requirements.

Spaces Staked: Mobile home spaces shall be properly staked.

Open Space: Each park containing ten (10) or more home spaces shall provide at least one (1) specifically designated passive recreational area amounting to 200 sq. ft. per home space.

Landscaping:

- a) Internal -Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.
- b) External – A continuous border of trees or shrubs shall be planted along the perimeter of the park to provide a visual break between the park and adjacent uses.

Roads and Streets:

- a) Each manufactured home park shall have public access. Entrance from a public highway shall meet all North Carolina Department of

Transportation specifications.

- b) Roads shall be constructed to North Carolina Department of Transportation, Division of Highways, minimum standards. All interior streets shall be retained as private streets on manufactured home park property
- c) All roads shall be paved.
- d) All roads within new parks or additions to existing parks shall have a forty-five (45) foot minimum right-of-way and maintain a four (4) inch minimum stabilized base.
- e) Cul-de-sacs shall be provided with a turnaround for emergency service and vehicles, having forty (40) foot radius.

No Development in Flood Plain:

Manufactured home parks shall not be located in a designated flood plain, and those located on ground that is susceptible to flooding should be graded so as to prevent any water from ponding or accumulating on the premises. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park. Topographic information and National Flood Insurance elevations shall be provided to determine areas susceptible to flooding.

Preliminary Plan Review:

A preliminary plan shall be submitted to the Planning Board for review and the City Council for review and approval. Such preliminary plan shall be drawn at a scale of not less than one-hundred (100) feet to the inch and shall show the following on one or more sheets:

- 1) The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park; date, approximate north arrow and scale; and the boundary line of the tract with accurate linear and angular dimensions drawn to scale;
- 2) Locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drain pipes and any utility easement on the land to be developed as a manufactured home park. The names of owners of adjoining properties shall also be shown.
- 3) The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and other spaces, reservations, trailer spaces and building lines within the park. This information should be graphical only, not requiring detailed computations or field work above that required to obtain the above information; and
- 4) Plans of proposed utility layouts (sewer lines, water lines,

storm drainage, etc.) showing feasible connections to existing and proposed utility systems; plan for location and height of electric lighting; and the location and number of garbage receptacles;

Final Plan Review and Public Hearing:

Two copies of the final plan shall be submitted to the Planning Board for review and to the City Council for final approval, pending public hearing for the Special Use Permit. It shall conform with the preliminary plan as approved. If desired by the applicant, it may constitute only that portion of the approved preliminary plan to be developed at the time; provided, however, that such portion conforms to the minimum requirements of this Section. The final plan shall be submitted on mylar (reproducible sheets) either fifteen (15) inches by twenty-one (21) inches or twenty (20) inches by twenty-four (24) inches in size, to a scale of not less than one (1) inch equals one-hundred (100) feet. It shall contain the following:

- 1) A site plan with the same graphical information required for the preliminary plan;
- 2) Name of the manufactured home park, names and address of owner(s) and park designer.
- 3) Date, approximate north arrow and scale;
- 4) Boundary line of the tract with accurate linear and angular dimensions drawn to scale;
- 5) Names, location and dimensions of proposed streets, driveways, entrances, exits, walkways, easements, recreation areas, and other open spaces, reservations, manufactured home spaces and building lines within the park. The information should be drawn accurately with detailed computations and field work completed.
- 6) Final engineering plans of proposed utility layouts (sewer lines, water lines, storm drainage, etc.) showing feasible connections to existing and proposed utility systems; plan for location and height of electric lighting; and location and number of garbage receptacles.

Notice shall be given and a public hearing held according to the provisions of this Article.

Procedure after Special Use Permit is Granted.

- (a) The Zoning Enforcement Officer shall send a copy of the survey plat to the Land Quality Section, Division of Environmental Management, North Carolina Department of Environment, Health and Natural Resources, when it is deemed necessary.
- (b) Following the issuance of the permit, the Health Department shall release improvement permits to the developer, who may then begin development.

- (c) After road construction has been completed, the Zoning Enforcement Officer shall verify that all new roads have been built as required in section 75.3(e).
- (d) When all improvements as required by this Ordinance have been completed, a Certificate of Manufactured Home Park Operation shall be issued. The Certificate of Manufactured Home Park Operation shall be signed by the Zoning Enforcement Officer and Mayor certifying that the manufactured home park is in compliance with all city, county and state regulations. This shall apply to new parks or expansions to existing parks. The manufactured home park developer may then begin placing manufactured homes in the park.
- (e) The manufactured home park developer may begin placing manufactured homes in the park before all improvements have been completed and a Certificate of Manufactured Home Park Operations has been issued if the Planning Board grants a waiver allowing the posting of a performance bond that insures completion of improvements. The bond shall be 100% of the cost of completion as determined by the Zoning Enforcement Officer. In granting this waiver, the Planning Board shall find that the public welfare, safety and health will not be endangered. In those cases where improvements have not been installed within the terms set by the Planning Board, the Board may declare the bond in default and require all improvements to be installed. The City will take such actions necessary to collect on the defaulted bond and provide for the required improvements.

**Compliance with
Requirements of Permit:**

A permit to develop a manufactured home park may be revoked by the City Council upon a finding of fact, after notice and hearing, that a violation of the requirements of this Ordinance exists. The Owner, Lessee, or other responsible person shall be notified in writing of such violation, and shall accept service personally or by certified mail with signed return receipt. The date for hearing shall be set no earlier than thirty (30) days from the date of receipt of said notice. Upon correction of said violation satisfactory to the Zoning Enforcement Officer, the Notice of Hearing may be withdrawn and the hearing canceled, or the Owner, Lessee or other responsible person may re-apply for the required permit.

**Requirements Applicable to Manufactured Home Park Owners
And
Criteria Applicable to All Homes in Manufactured Home Parks**

Requirements Applicable to Park Management

- A) Erosion Control - An erosion control plan which provides information as specified in the regulations of Land Quality Section of the North Carolina Department of Natural Resources and Community Development shall be submitted to the state agency for all manufactured home parks where one or more acres of land is disturbed.
- B) Manufactured Home Park Ownership -Manufactured home park operators shall be required under this ordinance to specifically comply with GS 105-316(a)(1), which requires that each year manufactured home park operators furnish the County Tax Supervisor with the name of the owner and a description of each manufactured home located in the park.
- C) Sale of Parks or Lots - Manufactured home parks may not be sold or transferred unless the existing water and sewer systems meet Health Department standards. Individual spaces in a manufactured home park may not be sold unless the individual lot size and road construction meet all county and state regulations.
- D) Animal Control - Manufactured home park owners shall establish park regulations to insure adequate control of animals.
- E) Garbage Disposal - The collection of trash and garbage and their disposal shall be provided for in such a manner as to maintain a clean and orderly appearance. Junked vehicles, appliances, furniture, and similar materials shall not be allowed to accumulate on manufactured home park premises.
- F) Fencing of Private Sewage Treatment Plants - Private sewage treatment plants as approved by the North Carolina Division of Environmental Management shall be required to be enclosed with a chain link fence a minimum of seven feet in height and locked when the plants are unattended.
- G) Water Supply - All Manufactured Home Parks with less than 15 spaces or less than 25 people, shall provide a safe, potable and adequate water supply. Safe shall be defined as free of bacteria and chemicals that are detrimental to public health; and adequate being defined as providing enough water for normally accepted standards of domestic use.
- H) 911/Addressing. All manufactured home parks must comply with the County 911/Addressing Regulations.
- I) Commercial Operations within a Manufactured Home Park. Commercial operations are prohibited within a manufactured home park.
- J) Roads. All access roads must be maintained in a manner as to provide adequate and safe egress and ingress.
- K) Certificate of Manufactured Home Park Operation. All manufactured home parks shall obtain a Certificate of Operation.

- L) Inspections. All manufactured home parks shall be inspected bi-annually for compliance by the City Zoning Enforcement Officer.
- M) Electrical Releases. All manufactured home parks shall be required to be in full compliance with the regulations of this section prior to issuance of electrical service for individual manufactured homes.
- N) Conflict with Health Department Regulations. In the event the State or County Board of Health has adopted or adopts regulations governing manufactured homes or manufactured home parks, the requirements of this ordinance or the requirements of the State or County Board of Health, whichever is more stringent, shall govern.

Criteria Applicable to New and Replacement Homes in Existing Manufactured Home Parks

- O) Class A and B – Only a Class A home or a Class B home may be placed in a manufactured home park. Class C homes are a nonconforming use. If a Class C home exists, it may not be replaced with another Class C home.
- P) Underpinning Requirement. Manufactured homes entering approved manufactured home parks shall, after the adoption of this Ordinance, and upon installation of unit, have vinyl, aluminum, galvanized metal or simulated rock/masonry panels, underpinning installed.
- Q) Tying Down Manufactured Homes. Every manufactured home placed in the park must be tied down to resist overturning in the event of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.
- R) Wheel and Axle Removal. Every manufactured home placed in the park must have wheels and axles removed.
- S) Manufactured Homes Front Entrance Requirements. Every manufactured home placed in the park shall have a concrete pad (5ft. x 10ft. x 4in.) or a deck or porch (8ft. x 12ft.) built of treated lumber and built to North Carolina Building Code specifications at the front entrance.

Use:	Manufactured Home, Boat, Travel Trailer, Camper and Recreational Vehicle Sales and Service
Special Use District:	M-1, M-2
Plan Required:	A placement plan for the manufactured homes shall be approved by the city before the sales lot opens.
Open Space:	At least 60% of the property must be open land.
Setbacks and Separation Between Structures:	<ul style="list-style-type: none"> (a) A setback of at least 15 feet from any exterior boundary line is required. (b) Front yard and corner lot setbacks must be met. (c) There shall be a 20 foot separation between manufactured homes and between a manufactured home and any other structure.
Proximity to Other Sales Lots:	No manufactured home sales and display lot may be located within 5000 feet of another manufactured home sales lot.
Parking:	There shall be off-street parking at a ratio of one parking space per two manufactured homes and a minimum of five spaces.
Signs:	Banner type signs are not permitted.

Use:	Mini Warehouses
Special Use District:	MF-R, RM
Plans Required:	Plans shall be submitted which show layout and placement of buildings, ingress and egress, plans for minimizing stormwater runoff from the site, signage and landscaping.
Maximum Height:	20 feet not exceeding one story
Storage:	<ul style="list-style-type: none"> a. No outside storage is permitted b. Storage of hazardous, toxic or explosive substances is prohibited.
Operation:	No business activity other than the rental of storage units shall be conducted on the premises.
Lighting:	Lights shall be arranged so that no light or glare is directed into a residence.
Screening:	An opaque screen at least eight feet high shall be provided along each property adjoining a residentially zoned district.

Use:	Nursing Homes, Assisted Living
Special use District:	RA, R-40, MF-R, RM,
Plans Required:	<ul style="list-style-type: none"> a. Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto. b. Circulation - Proposed points of access and egress and pattern of internal circulation c. Parking and Loading - Layout of parking spaces
Parking and Loading:	One space for each assisted living unit; plus one space for each 3 resident nursing beds; plus staff parking.
Operation:	<ul style="list-style-type: none"> a. The facility shall provide centrally located shared food preparation, service and major dining areas. b. Common recreation, social and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit. c. All facilities shall be solely for the use of residents and their guests. d. Facilities for administrative services and limited medical services for the exclusive use of the resident shall be located on the site.
Other Requirements:	Must meet all requirements for licensing by the State of North Carolina. Where located in a residential district, there must be ample site area, adequate open space on all sides of the proposed structure and other considerations, including landscaping, to the character of the neighborhood so that its residential nature will be preserved.

Use:	Planned Building Groups, Commercial or Industrial
Special Use District:	OI, HC, CS, M-1, M-2
Site Plan:	<p>The site plan shall show the location of the buildings, streets, walkways, parking areas, easements or rights-of-way adjoining or intersecting the property, and shall also include:</p> <ol style="list-style-type: none"> (1) Proposed provisions for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer; (2) Size and proposed location of any freestanding signs; (3) Proposed solid waste storage facilities consisting of a minimum 10' X 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') foot high ballards to protect said fence; (4) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections; (5) The location and heights of all fences, walls, and hedges shall be shown; (6) Lighting plan: All lighting shall be directed away from all residential zoned areas; and the location and height of all lighting shall be shown; (7) All plans showing utility construction details must meet the current specifications of the City of Trinity.
Parking:	As required by Article 13.
Timing:	Developer shall submit a proposed schedule of development likely to be followed.

Use:	Planned Unit Development.
Special use District:	RA, R-40, R-20, R-12, MF-R, RM
Density:	In a PUD the number of dwelling units per acre shall not exceed the density for the zoning district in which the PUD is located. Because of the fact that PUDs are developed to permit a variety of uses, a minimum of five (5) acres is required to insure appropriate lay-out, sufficient open space and pleasing design of various residential uses.
Site Plan:	The site plan shall show the location of the buildings, streets, alleys, walks, parking areas, recreational areas and facilities, numbered and dimensioned residential sites and common areas within the site and all existing buildings and structures within one hundred (100) feet, in addition to public or private easements or rights-of-way adjoining or intersecting such property.
Design Standards included in Site Plan:	<p><u>Timing:</u> Proposed schedule of development likely to be followed.</p> <p><u>Storm Drainage and Sewer:</u> Proposed provisions for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer.</p> <p><u>Signs:</u> Size and proposed location of any freestanding signs;</p> <p><u>Solid Waste :</u> Proposed solid waste storage facilities consisting of a minimum 10' X 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') foot high ballards to protect the fence;</p> <p><u>Water System:</u> Proposed water system and fire fighting facilities such as hydrants or sprinkler connections;</p> <p><u>Road Surfacing:</u> Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles);</p> <p><u>Fences and Screening:</u> The location and heights of all fences, walls, and hedges shall be shown;</p> <p><u>Lighting plan:</u> All lighting shall be directed away from residential zoned areas. All lighting locations and heights shall be shown on the plan.</p> <p><u>Open Space / Recreation Area:</u> Location and amount of recreation area, if any; and</p> <p><u>Utilities:</u> All plans showing utility construction details must meet the current specifications of the City of Trinity.</p>
Placement of Buildings:	Individual and unattached buildings in a planned unit development shall have side yards with a minimum of ten (10') feet;

Any group of buildings forming a courtyard shall have at least twenty-five (25%) percent of the perimeter of such courtyard open for access to emergency vehicles;

Setbacks from public street right-of-way shall be the same as required by the zoning district in which the PUD is located; and

The minimum size and the minimum standards of periphery lots that will be adjacent to property for single-family houses shall be the same as the minimum size and minimum standards required in the zoning district where that portion of the PUD is located.

Common Areas:

All planned unit developments shall contain commonly owned land for the use and enjoyment of the residents. Areas shall be designated on the site development plan as common areas and on the subdivision plan as an area to be held in separate ownership for the use and benefit of residents occupying specified lots (or units in the case of condominiums).

Declaration of Covenants and Restrictions:

Approval of these common areas requires submission by the developer of a declaration of the covenants and restrictions that will govern the ownership management and maintenance of the common areas. Submissions and declarations shall follow the requirements of the North Carolina Unit Ownership Act where common areas serve condominiums. Submissions and declaration shall follow the requirements for establishment of homeowners associations for Townhouses or residential cluster development (same requirements) for all other forms of residential development.

Use:	Public Utility Facilities and Substations / Public Works Facilities Essential to the Immediate Area (transformer stations, pumping stations, water towers, and telephone exchanges)
Special Use District:	RA, R-40, R-20, R-12, MF-R, RM, OI, HC, CS, M-1, M-2
Setbacks and Landscaping:	<p>All buildings and apparatus shall be set back at least 20 feet from all property lines.</p> <p>They shall be designed, landscaped and maintained in accordance with other public facilities</p>
On-site Storage:	<p>Vehicles or material shall be stored on the premises inside a building or under cover.</p> <p>Outside storage of apparatus and equipment is permitted only in the M-1 district and must be enclosed by a solid fence at least 6 feet high.</p>
Fenced facilities:	Such facilities as water towers, pumping stations and so forth shall be surrounded by a chain link fence six feet high.

Use:	Radio Controlled Race Car Tracks
Special Use District:	M-1, M-2
Plans Required:	Plans shall be submitted which show layout and placement of the track and any buildings; parking, ingress and egress, plans for controlling stormwater runoff from the site, signage and landscaping.
Storage:	No outside storage is permitted on-site.
Operation:	The City and the operator shall mutually agree on days and hours of operation which shall be written into the Special Use Permit and posted on site. Violation of the hours operation shall be a violation of the Zoning Ordinance.
Lighting:	Lights shall be arranged so that no light or glare is directed into a residence.
Screening:	An opaque screen at least eight feet high shall be provided along each property line adjoining a residentially zoned district.

Use: **Reception House**

Special Use District: RA, R-40

Site Plan: The site plan shall show the location of parking, buildings, adjacent uses, accessibility to thoroughfares, and buffering. The plat shall show or state the type of buffering. The application and site plan must also satisfy the following requirements;

Design Standards Included in Site Plan:

(1) Parking

- (a) Parking shall be allowed at one space per 3 guests plus one per employee.
- (b) All parking shall be buffered from adjacent properties by a buffer strip consisting of a screened fence or a planted strip at least five feet in width, composed of deciduous or evergreen trees or a mixture of each, less than one row of dense shrubs, spaced not more than five feet apart.
- (c) A parking plan shall be presented to show adequate parking for a variety of events and guests as well as space for over flow parking.

(2) Use Separation

- (a) No reception house or other similar uses shall locate within four hundred (400) feet of a rooming house, boarding house or another tourist home.

(3) Operation:

- (a) An owner or manager shall be on the premises for every event.
- (b) The use shall be located in a structure which was originally constructed as a single family dwelling.
- (c) Meals served on premises shall be only for guests of the facility.
- (d) The reception house shall meet all applicable health, fire safety and building codes and shall be operated so as not to give the appearance of being a business. Minimal outward modifications of the structure or grounds may be made only if such changes are compatible with the character of the area or the neighborhood.
- (e) No additional dwellings shall be placed on the same lot as the reception house unless otherwise permitted.
- (f) Outdoor activity hours: Special functions conducted outdoors and outdoors activities related to special functions are prohibited after 10:00 pm on Sunday through Thursday nights. Friday and Saturday and evenings before national holidays, outdoor activities are prohibited after 11:00 pm. All activities shall comply with the Noise Ordinance of the City of Trinity.

(4) Signs:

- (a) Signs identifying the operation shall be non-illuminated and shall be either wall or yard signs, no more than 4 square feet in area. One sign per zoning lot.

Use: **Recycling Convenience Site**

Special Use District: RA, R-40, OI, CS, HC, M-1, M-2

Required Plans: The applicant must submit plans which show:

- a. Location and approximate size of all existing and proposed buildings and structures on the site.
- b. Proposed points of access and egress and pattern of internal circulation;
- c. Layout of parking spaces;

Operation:

- a. The facilities shall only be operated by a local government or by a non profit.
- b. The use must be secondary to another primary use such as a school, fire station or other government facility.

Use:	Retail and Membership Warehouses, Building, Home and Garden, and Other Retail Stores over 25,000 sq. ft. in Size
Special Use District:	M-1, M-2
Plans Required:	Plans shall be submitted which show layout and placement of buildings, ingress and egress, plans for minimizing stormwater runoff from the site, parking, signage and landscaping.
Parking:	<p>(a). Parking shall be distributed around the principal building with significant parking areas at the side and rear of the building so as to reduce parking area between the front façade of the principal building and the street.</p> <p>(b). There shall be a landscaped planting yard at least 10 feet wide between the street and all off-street parking areas.</p> <p>(c). Parking areas shall be interspersed with trees and planting areas absorb stormwater and break up the view of hard surfaces and parked cars.</p>
Stormwater Control:	The site design shall incorporate features such as grassy and/or planted berms, swales, and planting areas throughout parking lots and other hard surfaces so as to retain dispersed rainfall on site and significantly reduce runoff.
Storage:	Outside storage shall be completely screened from view from all streets. Security fencing, a minimum of six feet in height, shall be provided around all outside storage yards. All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties. Where storage yards abut a residential use, the storage area shall be screened and buffered by plantings at least six feet tall.
Lighting:	Lights shall be arranged so that no light or glare is directed into a residence.
Screening:	Where the retail establishment is adjacent to residential uses, an earth berm planted with evergreen trees is required.

Use:	Service Stations, Convenience Stores with Gas Pumps
Special Use District:	HC, CS
Lot Area and Frontage:	Each such station shall have a minimum lot area of 6000 square feet with a frontage of not less than 100 feet.
Automobile Storage:	Outdoor automobile storage is not permitted in conjunction with service stations in these districts.
Setbacks:	No portion of a service station building or fixtures shall be nearer than 25 feet from the curb line.
Landscaping:	A six foot high fence and suitable landscaping shall be provided when a service station abuts a residential district or use.

Use: **Schools, Elementary and Secondary**

Special Use District: RA, R-40, R-20, R-12, MF-R, RM

Required Plans: The applicant must submit plans which show:

- d. location and approximate size of all existing and proposed buildings and structures on the site and on the lots which adjoin the site;
- e. proposed points of access and egress and pattern of internal circulation;
- f. layout of parking spaces;
- g. location and extent of playgrounds and athletic fields;
- h. estimated number of students at opening and capacity for additional students;
- i. parking for elementary and middle schools - 5 spaces, plus 1 space per classroom employee and staff member
- j. parking for senior high schools - 1 space per four students, plus 1 space for each classroom, administrative and non-educational employee

Building Height The maximum building height for any school building shall be 50 feet

Use:	Shooting Ranges, Outdoor
Special use District:	RA, R-40, M-1
Site Plan:	<p>The site plan shall show:</p> <ol style="list-style-type: none"> Location of any and all buildings on the site and adjacent properties Proposed shooting range(s) and targets and their proximity to adjacent properties. Firing line requirements. Backstop requirements. Operating hours of shooting range.
Minimum Acreage	A five (5) acre minimum site is required for new shooting range operations.
Siting Requirements:	<p>Primary backstops shall be required, located one hundred (100) yards or less from the firing point, at least eight (8) feet high, ten (10) feet thick at the base and two (2) feet thick at the top and sufficiently wide to extend five (5) feet beyond both sides of the center of the target. For each additional one hundred (100) yards of distance from the firing point, two (2) feet in height and one (1) foot in width shall be added to the dimensions of the backstop.</p> <p>A site location having special conditions of natural topography for a primary backstop and meeting the above dimensions shall be considered for meeting minimum requirements. These backstop requirements shall not apply to the shot gun shooting activities which do not involve the use of slugs (i.e. skeet, trap and sporting clays.)</p>
Setback:	No outdoor firing line shall be located closer than 300 ft. of any exterior property line.
Hours of Operation:	<p>The discharge of firearms at outdoor shooting ranges shall be prohibited between the hours of 9:00 p.m. and one-half (1/2) hour after sunrise. Sunday discharge of firearms shall be allowed from Noon until 9:00 p.m. only.</p>
Temporary Activities:	Firing ranges established on a temporary basis for the purpose of firearms safety training shall be allowed. Training shall be conducted by a certified or equivalent instructor utilizing normally accepted standards for safe firearms training. A permit shall be obtained from the Zoning Enforcement Officer after his approval of the site to be used. This permit will be good for seventy two (72) hours.
Unregulated Activities:	The standards of these requirements do not regulate or prohibit an individual's right to discharge firearms on their property for target practice, sighting or hunting; nor shall the standards apply to those lands legally used by Private Hunting Clubs for traditional hunting activities.

Use:	Storage of Above Ground Bulk Oil or Petroleum Products for Wholesale or Retail Distribution
Special Use District:	M-1, M-2
Minimum Lot Size:	The minimum size lot, tract or parcel must be one acre.
Setbacks and Buffers:	<ul style="list-style-type: none"> a) All storage tanks and loading facilities shall be located at least 25 feet from any side or rear property line. b) The minimum building setback line is 40 feet. c) All storage tanks and loading facilities shall be located a minimum of 85 feet from any exterior property line bordering a residential district. d) A buffer strip is required for side or rear lot lines that abut a residential or office district.
General Health and Safety Conditions:	<ul style="list-style-type: none"> a) The proposed site shall not endanger the safety of properties in the area, and vehicular access shall not require the use of minor residential access streets. b) All facilities shall comply with the American Insurance Association's Flammable and Combustible Liquid's Code. c) Facilities must meet all E.P.A. and state environmental requirements.

Use:	Telecommunications Towers. Radio or Television Towers
Special Use District:	RA, R-40, M-1 and M-2
Purpose and General Requirements:	<p><u>Purpose:</u> The purpose of this Special Use Permit is to establish general guidelines for the siting of towers and antennas. In addition to other required findings, the goals of these guidelines are to: (1) encourage the location of towers in low density, minimum impact areas that will minimize the total number of towers throughout the City of Trinity, (2) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (3) encourage strongly the joint use of new and existing tower sites, (4) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, and (5) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.</p> <p><u>Principal or Accessory Use:</u> Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot size and coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of these requirements shall not be deemed to constitute the expansion of a nonconforming use or structure.</p> <p><u>Inventory of Existing Sites:</u> Each applicant for approval of an antenna and or a tower shall provide to the City Manager or his designee, an inventory of its existing antennas and towers that are within the jurisdiction of the City of Trinity including specific information about the location, height and design of each tower or antenna. Applicants are encouraged to submit an inventory of potential future tower sites within the jurisdiction of the City of Trinity. The Manager or his designee may share such information with other applicants applying for administrative approvals or special use permits under these requirements or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority; provided, however, that the City Manager or his designee is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.</p>
Minimum Lot Size:	The minimum lot size requirement shall be in accordance with the Zoning District in which it is located.
Administrative Approvals:	The following uses may be approved by the City Manager or his

designee after conducting an administrative review.

- a. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing, non-residential structure) that is more than fifty (50') feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure.
- b. Installing an antenna on an existing non-residential structure other than a tower (such as a building sign, light pole, water tower, utility pole or other free-standing, non-residential structure) in any commercial or industrial district that is less than fifty (50') feet in height so long as such addition does not add more than twenty (20') feet to the height of the existing structure;
- c. Installing an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20') feet to the height of said existing tower.
- d. Replacing an existing tower which adds no more than twenty (20') feet to the overall height of the existing structure.

Plans Required:

A site plan drawn to scale must be provided that includes, but is not limited to, the following information:

1. property lines,
2. proposed structures,
3. existing structures within 500 ft. of any part of the tower structure
4. proposed points of egress and ingress,
5. fencing and setbacks
6. proposed buffers, and
7. wireless service coverage

The site plan shall indicate all locations for equipment buildings in addition to that proposed for use by the applicant.

Buffers:

In areas where a visual block from adjacent properties are necessary, a buffer shall be required around all improvements on the site. As a minimum, the buffer shall consist of a solid fence or wall, or a planted strip at least ten (10') feet in width composed of living deciduous and/or evergreen trees spaced not more than ten (10') feet apart, and not less than one (1) row of dense, living evergreen shrubs spaced not more than five (5) feet apart, which shall be established and maintained in perpetuity by the owner of property as defined by this Ordinance.

Fencing:

The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight (8') feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.

Setback Requirements:

Setback of the base of the tower from all adjacent property lines shall be one foot for each foot in height. This setback may be reduced by the Board of Adjustment upon a finding that failure to grant a setback reduction would have the effect of prohibiting the provision of personal wireless services, that the reduction serves the general intent and purpose of this section and the adopted Long Range Development Plan and that the reduction will not substantially interfere with or injure the rights of others whose property would be affected by the reduced setback. In no case shall the setback be reduced to less than fifty (50%) percent of the tower height. To encourage shared use of towers, applications for towers which will operate with more than one user immediately upon completion may have a 10% reduction in the required setbacks, but in no case shall the setback be less than those required for the underlying zoning district. Also, to encourage the construction of monopole structures, monopole towers may have a 20% reduction in the required setbacks. To encourage location of towers in existing forested areas with a minimum depth of sixty-five (65') feet, the tower may have a 20% reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. Said setback reductions shall only be allowed upon a professional engineering certification which states that the structure's construction will cause the tower to crumble or collapse inward so that in the event of collapse, no damage to structures on adjacent zoning lots will result.

Towers shall have a minimum setback for other towers unless evidence is provided that demonstrates that reasonable efforts have been made to lease space on an existing tower or that an existing tower will not technically satisfy the applicant's needs to provide coverage to the area.

Site Consideration:

Outside Storage: No outside storage shall be allowed on any telecommunication facility site.

Building(s) Use: Associated buildings located in any residential district shall not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

Tower Color: The color of the tower shall be neutral, except to the extent required by Federal Law, so as to minimize its visual impact.

Advertising: No commercial advertising shall be allowed on the facility's site.

Other Requirements:

Co-Location Policy: Communication companies are encouraged to locate telecommunication antennae on or in structures other than a tower. Such structures may include church steeples, transmission line towers, utility/light poles, water towers, etc. Where such facilities are not available, co-location of facilities is encouraged. Priority for co-

location on the proposed tower shall be given to antennas that will serve a public safety need for the City of Trinity.

Coverage Level: Evidence that the applicant has investigated the possibilities for locating the proposed facilities on an existing tower where a minimal level of coverage can be provided. Such evidence shall consist of:

1. Copies of letters sent to owners of all existing towers within a one-mile radius of the proposed site, requesting the following information:
 - a. tower height;
 - b. existing and planned tower users;
 - c. whether the existing tower could accommodate the proposed antenna without causing instability or radio frequency interference; and
 - d. if the proposed antenna cannot be accommodated on the existing tower, an assessment of whether the existing tower could be structurally strengthened or whether the antenna's transmitters and related equipment could be protected from electromagnetic interference, and a general description of the means and projected cost of shared use of the existing tower.
2. A summary explanation of why the applicant believes the proposed facility cannot be located on an existing tower.
3. A summary explanation of why the applicant believes that the use of an alternative tower structure is not possible.
4. Provision of sound engineering evidence demonstrating that location in the proposed district is necessary in the interest of public safety or is a practical necessity.

Coverage Need: Need of coverage shall be demonstrated by the wireless provider.

Structural Design: Evidence that the communications tower is structurally designed to support at least one additional user, and the special use application includes a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. Towers over 180 feet in height shall be structurally designed and constructed to accommodate at least two additional users. The tower owner may require that such other users agree to negotiate regarding reasonable compensation to the owner from any liability which may result from such attachment.

FAA Standards:

The telecommunications tower shall meet all applicable Federal Aviation Administration (FAA) standards, and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed

airport. Applicant must provide evidence that the tower would meet all F.A.A. standards, prior to issuance of permits to construct. Any lighting shall not project onto surrounding residential property.

Airport(s) Notification:

The City Manager or his/her designee, shall notify all known airports within a 5 mile radius of the application to locate a tower.

FCC Certification:

In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels certified by the FCC.

Tower Removal Requirement:

Notice shall be provided to the City Manager when the tower is placed out of service. Towers which are not used for a period of six (6) months or more shall be removed by the property owner within 120 days

Definitions:

When used in the Telecommunication Tower Special Use Permit, the following terms shall have the following meanings:

1. Alternative tower structure. Clock towers, sculptures, bell steeples, light poles and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.
2. Pre-existing towers and antennas. Any tower or antenna on which a permit has been properly issued prior to the effective date of this Ordinance.
3. Telecommunication Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

Use: **Townhouse Development.**

Special Use District: MF-R, RM

Density: Density: 12,000 square feet, plus 3,000 square feet for each additional unit over 2.

Site Plan: A site plan shall be submitted that shows the location of the buildings, streets, alleys, walkways, parking areas, recreational areas and facilities, numbered and dimensional residential sites and common areas within the site and all existing buildings and structures within one hundred (100) feet in addition to public or private easements or rights-of-way adjoining or intersecting such property.

Design Standards Included in Site Plan: Timing: Proposed schedule of development phases.

Circulation: Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.

Landscaping: When a proposed apartment complex abuts a residentially zoned lot, the complex must adhere to the following landscaping requirements.

- d. At least two (2) rows of evergreen trees which may be selected from the recommended List of Recommended Species (on file with the Zoning Enforcement Officer) shall be planted. Trees shall have a minimum height of three feet (3') when planted. The rows shall be spaced seven feet (7') apart and centered within the buffer strip. Tree spacing shall be eight feet (8') off centered with the trees in adjacent rows offset(staggered four feet (4')); and a solid visual barrier fence six feet (6') in height shall be erected around any loading, unloading, or outdoor storage areas; and
- e. Earth berms may be used in conjunction with planting to satisfy height requirements; but slopes shall not exceed one foot (1') to two feet (2') horizontal.
- f. At least one (1) deciduous tree shall be planted along the street no less than ten feet (10') off of the right of way (on private property), for each forty feet (40') of street frontage or fraction thereof for new construction or extensive rehabilitation. Each tree shall be at least one and one-half inches (1 ½) in caliper and may be selected from the List of Recommended Species or otherwise approved by the Planning and Zoning Enforcement Officer and shall be provided with adequate space for water

percolation and root growth. In lieu of this requirement, the developer shall provide a Landscaping plan and detailed plant list, approved by the Planning and Zoning Enforcement Officer, which provides for a variety of plantings which achieve the desired aesthetic goals of the buffering requirements.

Traffic: A developer shall present a traffic analysis on projected traffic counts at peak hours and proposed plants to mitigate any congestion associated with the development.

Storm Drainage: Proposed provisions for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer;

Signs: Size and proposed location of any freestanding signs;

Solid Waste: Proposed solid waste storage facilities consisting of a minimum 10' X 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') foot high ballards to protect said fence;

Water System: Proposed water system and fire fighting facilities such as hydrants or sprinkler connections;

Lighting plan: A lighting plan shall be provided that shows the type, height and density of all outdoor lighting.

When abutting a residential district lighting shall be signed so as not to create a nuisance on abutting property owners. The maximum illumination at the edge of the property line adjacent to a residential zoning district is ½ foot candles.

Recreation Area: Location and amount of recreation area, if any; and All plans showing utility construction details must meet the current specifications of the City of Trinity.

Common Areas:

Areas not shown as lots on the site development plan shall be designated as common areas and on any subdivision plan as areas to be held in separate ownership for the use and benefit of residents of the development.

Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.

All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.

Homeowners Association Documents to Be Submitted:

The establishment of a homeowners association shall be mandatory. The homeowners association shall be organized and established as a

legal entity prior to or as a part of the final plat approval and recording process. Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site.

Responsibilities of Homeowners Association - The homeowners association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance or recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities.

It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, governmental authority may either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

Assessments - The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed shall constitute a lien on the residence of the owner.

Proposed Articles of Incorporation - Such Articles of Incorporation shall provide for homeowners control when over 50% of the dwelling units are sold.

Proposed bylaws - Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.

Proposed annual budget - The proposed annual budget shall show monthly assessments. The monthly assessments must be set at a sufficient level to insure success of the association.

Proposed restrictions and covenants - A document containing proposed restrictions and covenants for the common area and residential sites shall be submitted along with the previously mentioned documents.

Use:	Veterinary Clinics and Kennels with Outside Runs
Special Use District:	RA, M-2
Construction Requirements:	<ol style="list-style-type: none">1. Three sides of each run must have four foot high walls of block concrete.2. A concrete floor is required.3. The open side of the run must be screened from the public.
Noise:	There shall be no noise generated activities between 6:00 p.m. and 8:00 a.m.
Plan Approval:	The city must approve a site plan of the kennel and runs and a waste treatment plan.

ARTICLE IX

NONCONFORMITIES

Section 9-1 Purpose and Intent

If, within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures and use of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance, it is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their continuance. Such nonconformities are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 9-2 Nonconforming Lots of Record

Single Lots of Record

When a lot has an area or width which does not conform to the dimensional requirements of the district where they are located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be built upon if compliance is achieved with regard to setback dimensions and other requirements, except lot area or width. Lots that can not meet the setback and buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Lots With Contiguous Frontage in One Ownership:

When two (2) or more adjoining lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, but such lots were of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lots nonconforming, for the purpose of development such lots must be combined to form a parcel of no less than 20,000 square feet. All lots must comply with the setbacks established for the zoning district in which they are located. Lots that can not meet the setback and buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Section 9-3 Nonconforming Uses of Land

- 1) Extensions of Use. Nonconforming uses of land shall not be enlarged or extended in any way.
- 2) Change of Use. When a non-conforming use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- 3) Nonconforming Residential Uses of Land - In the case of a residence that is a nonconforming use of land in a commercial or industrial zone, such residence may be repaired, rebuilt or added to as long as the dimensional requirements of the district are met. Minor variances in setbacks due to lot size may be presented to the Board of Adjustment for consideration. This policy is adopted in the interest of maintaining an adequate stock of housing in Trinity.

- 4) Manufactured Homes as Nonconforming Residential Uses - Manufactured homes on individual zoning lots, are a nonconforming use in Trinity. However, in the interest of maintaining an adequate housing stock in the community, existing manufactured homes are allowed to continue and in certain instances may be replaced.
- (a) Continuation of a Manufactured Home on An Individual Lot – A manufactured home on an individual lot may be continued, provided that within six months from the date of adoption of this Ordinance it shall be tied down to resist overturning in the event of high winds. All tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.
- (b) Replacing a Manufactured Home on an Individual Lot
1. Replacements can be made only in zones R-A, R-40 & RM.
 2. No replacements will be allowed on property that contains another principal use.
 3. In the interest of preserving housing stock within Trinity, a single wide unit may be replace by another single wide unit.
 4. A permit must be obtained from the Zoning Enforcement Officer.
 5. The permit applicant must be the property owner and occupant of the manufactured home being replaced. Rental units may only be replaced if destroyed by natural causes.
 6. The manufactured home shall have a continuous, permanent masonry underpinning, unpierced except for ventilation and access.
 7. It shall be tied down to resist overturning in the event of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.
 8. It shall have a front entrance with a minimum 4 ft. x 8 ft. x 4 in. thick concrete slab at the front door area, or a 5 ft. x 10 ft. treated lumber deck or porch built of treated lumber and built to North Carolina Building Code specifications at the front entrance

Section 9-4 Nonconforming Uses of Structures

This category of nonconformities consists of structure used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located.

- (1) A nonconforming use of a structure may be changed to a conforming use.
- (2) A nonconforming use of a structure shall not be changed to another nonconforming use.
- (3) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

- (4) Normal maintenance and repair of a building occupied by a nonconforming use is permitted and encouraged provided it does not extend the non-conforming use.
- (5) A nonconforming use of a structure shall not be extended or enlarged beyond the structure in existence at the time the use became nonconforming. Extensions of the structure to accommodate expansion of a nonconforming use are not permitted.
- (6) When a nonconforming use of a structure is discontinued for a continuous period of 180 days, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance.

Section 9-5 Nonconforming Structures

When a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on lot coverage, height, yard size or setbacks, the structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- 1) No structure may be enlarged or altered in a way that increased its nonconformity.
- 2) Normal maintenance and repair of a nonconforming structure is permitted and encouraged provided it does not extend the nonconformity.

Section 9-6 Repairs and Maintenance

Buildings or structures other than single-family houses that are destroyed by any means to an extent of more than 60% of assessed value, exclusive of land value, shall not be reconstructed except in conformity with the provisions of this ordinance. Nonconforming single family houses that are damaged or destroyed may be rebuilt on the same lot as long as the amount of nonconformity is not increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any officials charged with protecting the public safety, upon order of such official.

Section 9-7 Nonconformities Created by Changes in Zoning Boundaries or Regulations

Any nonconformance created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this Article.

ARTICLE X
ZONING VESTED RIGHTS

Section 10 -1 Vested Right Conferred

A vested right is conferred pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property according to the terms and conditions of a site specific development plan, approved as provided for in this Article.

Section 10-2 Obtaining a Vested Right

A developer may obtain a vested right as provided by G.S. 160A-385.1 to commence a project at a future date. A vested right is obtained:

- (1) automatically when a special use permit is granted by virtue of approval of a special use by the City Council, and
- (2) when the City Council approves a site specific development plan submitted by a developer in conjunction with an application for a zoning permit with vested rights.

Section 10-3 Term.

The right to commence a project authorized by any of the above means vests from the date the applicable permit is authorized and remains vested for two years.

Section 10-4 Zoning Permit Required

A zoning permit is required before commencing work on any project in which a vested right exists.

- (1) The Enforcement Officer shall issue the zoning permit for a project in which the vested right has been conferred by a special use permit.
- (2) In any other case, an applicant shall apply for a zoning permit with vested rights as outlined in Section 10-5 below.

Section 10-5 Application for a Zoning Permit with Vested Rights.

The applicant shall submit seven copies of a site specific development plan drawn to scale describing with reasonable certainty the type and intensity of use of the specific parcel or parcels of land. The plan shall include:

- (1) boundaries of the site;
- (2) significant topographical and other natural features affecting the development of the site;
- (3) location on the site of the proposed buildings, structures and other improvements;

- (4) dimensions, including height of the proposed buildings and other structures;
- (5) location of all existing and proposed infrastructure on the site including water, sewer, roads and walkways; and
- (6) such other information as the Enforcement Officer may determine to be necessary in order to determine the specifics of the plan

Section 10-6 Action by City Council.

Upon receipt of a properly prepared site specific development plan, the Enforcement Officer shall arrange to bring the plan to the Planning Board for its recommendations and then to the City Council.

- (a) Public Hearing - The City Council shall conduct a public hearing with notice given as provided for in Section 17-1(2) of this Ordinance.
- (b) Considerations - In considering an application for a zoning permit with vested rights, the City Council shall give due regard to whether issuance of the permit would serve the purpose and intent of this ordinance, secure public safety and welfare and do substantial justice. If the Council should find, after public hearing, that the proposed permit should not be granted, the permit should be denied.
- (c) Findings. In granting a zoning permit with vested rights the City Council shall make the following affirmative findings:
 - (1) the use requested is among those permitted in the district in which the property is located and complies with all the requirements of this and other applicable ordinances;
 - (2) the requested permit is either essential or desirable for the public convenience or welfare;
 - (3) the requested permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety, or welfare of the community;
 - (4) adequate utilities, access roads, drainage, sanitation an/or other necessary facilities have been or are being provided.
- (d) Additional Conditions - In granting a zoning permit with vested rights, the City Council may impose such additional restrictions and requirements upon the permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured and substantial justice done. Approval of a site specific development plan with the condition that a variance or modification be obtained shall not confer a vested right unless and until the necessary variance or modification is obtained.
- (e) Acceptance by Applicant - If all requirements and conditions are accepted by the applicant, the Council shall authorize the issuance of the permit; otherwise the permit

shall be denied. Any permit so authorized shall remain vested for two years from the date of the action granting the Permit.

Section 10-7 Violations

Any violation of a term of condition involved the granting of a zoning permit with vested rights shall be treated the same as a violation of this ordinance and shall be subject to the same remedies and penalties as any such violation. In addition, the City Council may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.

Section 10-8 Other Ordinances Apply.

The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation, including, but not limited to, building, fire, mechanical, electrical and plumbing codes.

Section 10-9 Changes or Amendments.

No change or amendment to any zoning permit with vested rights shall be made except after public hearing and except as provided for in this ordinance for the original issuance or such permit. If, at the time of consideration of a proposed change or amendment to an existing permit, the permit or proposed change or amendment could not be lawfully made under ordinance conditions existing at that time, the proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the two-year time period for which the development right is vested. Nothing herein shall exempt plans related to the permit from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approvals.

Section 10-10 Status at Expiration of Term

A right which has been vested shall terminate at the end of the two-year vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160A-418 and G.S. 160A-422 shall apply except that a building permit shall not expire or be revoked because of the running of time while a vested right under this Article is outstanding. Any development constructed pursuant to a zoning permit with vested rights for which the vested term has expired and which is not in conformance with all the terms of the ordinance because of changes made in the provisions of this ordinance, including the zoning map, after the issuance of the permit shall be subject to the provisions of this ordinance relating to non-conformities the same as any other nonconformity.

Section 10-11 Annexation Declaration

Any landowner who signs an annexation petition to the City pursuant to G.S. 160A-31 or G.S. 160A-58.1 shall, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the City may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established by law shall be binding on the landowner and any such vested right shall be terminated.

ARTICLE XI

SIGNS

Section 11-1. Intent

The intent of this Article is to authorize use of signs whose types, sizes, and arrangements are compatible with their surroundings; appropriate to the type and intensity of activity to properties or occupants of products or on the community as a whole; legible in the circumstances in which they are seen; and appropriate to traffic safety.

Section 11-2. General Limitations on All Signs

- (a) No sign, including the supports, frames, and embellishments, shall be located on a public right-of way without approval by the City.
- (b) No sign shall obstruct a door, fire escape, stairway, ladder, or opening intended to provide ingress or egress for buildings, structures or lots.
- (c) No sign shall have more than two (2) display surfaces.
- (d) Illuminated signs may have either an exterior or interior source of illumination. Exterior illumination, where the source of illumination is provided by devices such as spotlights or floodlights, shall be placed so that it is not directly visible from any public street or right of way, residential district, or from adjacent properties or oncoming traffic. Internal illumination, where the source of illumination is from within the sign itself, shall not present a glare such that it distracts traffic or is a nuisance to nearby property owners. All wiring, grounding, etc. for illuminated signs shall meet the requirements of the National Electric Code.
- (e) All signs shall be maintained in a state of good repair. No sign shall be continued which becomes structurally unsafe or endangers the safety of the public or property. When evidence of an unsafe sign is brought to the attention of the Zoning Officer, he shall order that such sign be made safe or be removed. A period of forty-eight (48) hours following receipt of the notice by the person or firm owning or using the sign shall be used for compliance.

Section 11-3 Prohibited Signs

Unless otherwise permitted under this Article, the following signs are prohibited in all zoning districts:

- (a) Animated, rotating, flashing or other moving or apparently moving signs with the exception of public service information signs which display time, date and/or temperature.
- (b) Devices consisting of banners, streamers, pennants, wind-blown propellers, strung light bulbs, balloons more than three feet in diameter, gas filled figures and similar devices.
- (c) Sign which encroach over a public right-of-way, except that projecting signs, shall clear sidewalks, and pedestrian paths by a height of at least eight (8) feet.
- (d) Signs on vehicles that are parked in a location visible to the public for more than seven days and it is evident that the principal use of the vehicle is for advertising rather than transport.

- (e) Signs or lights of any type that make use of the words “STOP,” “SLOW,” “CAUTION,” “DANGER,” or any other word, phrase, symbol or character in such a manner as is reasonably likely to be confused with traffic directional and regulatory signs;
- (f) Signs located in such a manner as to obscure, or physically interfere with the effectiveness of an official traffic sign, signal or device, obstruct or physically interfere with the driver’s view of approaching, merging or intersecting traffic;
- (g) Mobile or portable signs (including A and T shaped signs).
- (h) Signs affixed to or painted on a utility pole, light standard, or traffic control post.
- (i) Signs affixed to or painted on trees, rocks, or other natural features.

Section 11-4 Sign Not Requiring a Permit

The following signs are exempt from permit requirements provided they comply with Section 11-2:

- (a) Signs bearing only property identification numbers and names, post office box numbers of occupants of the premises, or other identification of premises not of a commercial nature, provided such signs are not illuminated and do not exceed two (2) signs per zoning lot and two (2) square feet in area per display surface;
- (b) Flags and insignia of government, when not displayed in connection with a commercial promotion;
- (c) Legal notices, bankruptcy, estate and legal sale signs, and traffic directional or regulatory signs erected by or on behalf of a governmental body;
- (d) Memorial signs or tablets, and names and construction dates of buildings when cut into any masonry surface;
- (e) Signs directing and guiding traffic and parking on private property, provided such signs are non-illuminated or indirectly illuminated, bear no advertising matter, and do not exceed four (4) square feet in area per display surface;
- (f) Real estate signs advertising the sale, rental, or lease of the premises on which said signs are located, provided such signs do not exceed one sign per street frontage per zoning lot or one sign per four hundred (400) feet of street frontage, or six (6) square feet in area per display surface for residential properties, sixteen (16) square feet for properties in the B-1/B-2/O-I zones and thirty-two (32) square feet in the M-1/M-2 zones. Said signs are to be removed after the sale, rental or lease of the premises within seventy- two (72) hours.
- (g) Off site real estate signs announcing an ‘open house’ for a residential property, may be allowed provided that they are placed after 2pm on the Friday before said ‘open house’ and are removed by 6pm Sunday afternoon.
- (h) Construction site identification signs whose message is limited to identification of architects, engineers, contractors and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date, provided such signs do not exceed thirty-two (32) square feet in area per display surface, are not erected

before issuance of a Building Permit, and are removed within seven (7) days of issuance of a Certificate of Occupancy. Construction signs in residential zones shall not be illuminated or reflectorized;

- (i) Temporary political yard signs advertising candidates or issues, provided such signs do not exceed one sign per candidate per zoning lot or sixteen (16) square feet in area per display surface are not erected prior to thirty (30) days before the appropriate election, and are removed within four (4) days after the election;
- (j) Yard or garage sale signs announcing yard or garage sales, provided such signs do not exceed one sign per site of the sale or four square feet in area per display surface and are removed within two days after they are erected.
- (k) Public event announcements of special events or activities of interest to the general public, provided such signs do not exceed one sign per site of the event, or one sign per off-site location with permission of the off-site property owner, not to exceed four by eight feet in area, and are removed within thirty (30) days of placement;
- (l) Signs erected by the City of Trinity or other governmental agencies, such as street signs, public service signs, and historical markers, which contains no commercial advertising matter.
- (m) Directional signs for churches and religious congregations provided such signs are located outside of any public street right-of-way and outside of any sight distance area and are non-illuminated and do not exceed six (6') feet in height and an area of six (6') square feet.

Section 11-5. Signs Requiring a Permit

Unless specifically exempted, no sign visible from a public right-of-way, whether exterior or interior to a structure, shall be erected, displayed or substantially altered except in accord with the provisions of this Article and until a permit has been issued by the City.

Section 11-6. Permit Application.

- (a) Application for sign permits shall be submitted on forms obtained at the Trinity City Hall. Each application shall be accompanied by plans which:
 - (1) Indicate the proposed site by identifying the property by ownership, location and use;
 - (2) Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines, and existing signs; and
 - (3) Show (drawing to scale) size, character, complete structural specifications and methods of anchoring and support.
- (b) The Zoning Enforcement Officer may also require such additional information as will enable a determination that the sign can or cannot be erected in conformance with this ordinance.
- (c) A fee established by the City shall be charged to erect a sign in the City of Trinity.

Section 11-7. Signs Permitted in Agricultural and Residential Districts.

The following signs require a permit from the Zoning Enforcement Officer. With the exception of signs generally permitted in Section 11-4, no sign shall be erected or displayed in any residential district except as provided below:

- (a) Development identification signs containing the name only of a subdivision, multi-family development, or planned development, or the name, name of management firm and telephone number of an apartment group, provided such signs are limited to one freestanding sign at public points of access to the development, thirty-two (32) square feet in area per display surface, and a maximum height of six (6) feet.
- (b) Home occupation signs identifying a home occupation, provided such signs are not illuminated and are limited to one wall or one freestanding sign per lot and a maximum display surface of four (4) square feet; and
- (c) Nonresidential signs identifying nonresidential uses permitted as a principal or special use in residential districts, provided such signs are limited to one freestanding sign per zoning lot or one wall sign per lot and thirty-two (32) square feet in area. Such signs may be illuminated upon review and approval of the Zoning Enforcement Officer.

Section 11-8. Signs Permitted in O-I, HC, CS, M-1, & M-2.

- (a) The following signs require a permit from the Zoning Enforcement Officer. With the exception of signs generally permitted in Section 11-4, no sign shall be erected or displayed in the above listed districts except as provided below for the type of sign and the zoning district in which it is located.
- (b) Where a zoning lot contains more than one principal use or establishment, the provisions below shall apply to the zoning lot as a whole, and the owner(s) of the zoning lot shall be responsible for allocating permitted signs and display surface areas among the individual uses or establishments. The sign plan submitted for such zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with each other.
- (c) Freestanding Signs - On premises freestanding signs may be erected and displayed on a zoning lot in compliance with the maximum dimensional limitations stated below, provided:
 - (1). The zoning lot on which a freestanding sign is located shall be accessible by automobile and contain off-street parking for the principal uses(s);
 - (2). Freestanding signs shall be limited to one sign per street frontage for each zoning lot;
 - (3). No freestanding sign shall be permitted on the same lot frontage along which there is a projecting sign;
 - (4). Freestanding signs shall clear driveway and parking areas by a height of at least fourteen (14) feet and shall clear sidewalks and pedestrian paths by a height of least nine (9) feet; and
- (d) Projecting Signs - Projecting signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface limitations contained below provided:

- (1). The building to which a projecting sign is attached shall be twenty (20) feet or more in width;
 - (2). Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than fifty (50) feet to any other projecting sign;
 - (3). No projecting sign shall be permitted on the same street frontage along which there is a freestanding sign;
 - (4). Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten (10) feet and shall project no more than five (5) feet from the building to which they are attached, and shall not extend beyond the inner edge of the curb line;
 - (5). No projecting sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached;
 - (6). Projecting signs shall not be located at the intersection of building corners except at right angles to a building façade; and
 - (7). The message of projecting signs shall be limited to the names(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon.
- (e) Wall Signs - Wall signs may be erected and displayed on a zoning lot in compliance with the requirements below:
- (1). Posters and paper signs displayed on or through windows are exempt;
 - (2). Wall signs placed in the space between windows on different stories of a building shall not exceed in height two-thirds (2/3) of the distance between the top of a window and the sill of the window above;
 - (3). No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached nor exceed 150 square feet per principle business;
 - (4). No wall sign shall extend above the peak of the roof of the building to which it is attached;
 - (5). The display area of wall signs painted on, affixed to or otherwise displayed on or through a façade window shall not exceed 15% of the area of the window;
 - (6). Wall signs, or portions of wall signs, placed between window spandrels shall not exceed in height two-thirds of the height of the spandrel;
 - (7). In industrial zones, wall signs on the side of buildings adjacent to lots zoned residential are permitted only when the building is at least fifty (50) feet from the side lot line of the residential lot; and
 - (8). Wall signs on the side of buildings in the O&I zone are not permitted. However, individual letters that identify the name of said building are permitted;
 - (9). Wall signs shall not cover or interrupt major architectural features.

(f) Marquee or Awning Signs - Marquee signs may be erected and displayed on a zoning lot in compliance with the requirements below:

- (1) Signs hung below a marquee or awning shall conform in size and appearance to existing signs under the same marquee or awning. Where there are no such existing signs under a marquee or awning, signs being under them shall be no more than ten (10) inches high and three (3) feet long;
- (2) Marquee and awning signs shall not be illuminated; and
- (3) Signs below a marquee or awning shall not be less than nine (9) feet above the ground or sidewalk.

(g) Off-Premises Signs Including Outdoor Advertising Signs – Off-Premises signs including outdoor advertising signs are not permitted within the City of Trinity.

Section 11 – 9 Temporary Signs

- (a) Temporary signs/banners announcing business special events are allowed with a permit issued by the Zoning Enforcement Officer. Temporary signs announcing business or civic special events shall be permitted provided such signs do not exceed thirty-two (32) square feet of display area per zoning lot, and are removed within thirty (30) days after they are erected.
- (b) Temporary signs shall not be electrified.
- (c) Permits for such signs shall be granted no more than four times per calendar year per zoning lot.

Section 11-10. Sign Area and Height Limitations.

	Freestanding Signs		Projecting Signs	Wall Signs
District	Maximum Area Per Display Surface	Maximum Height to Top of Sign	Maximum Area Per Display Surface	Maximum Percentage Façade Coverage
HC	50 sq/ft	15*	32 sq. ft.	5%
CS	32 sq. ft.	12 ft.	32 sq. ft.	5%
OI	32 sq. ft.	10 ft.	32 sq. ft.	5%
M-1	100 sq. ft.	10 ft.	32 sq. ft.	5%
M-2	100 sq. ft.	10 ft.	32 sq. ft.	5%

* Except where the sign is located within four-hundred (400) feet of an interstate right-of-way or interchange, in which case, the maximum height shall be sixty (60) feet.

Section 11-11. Calculating Area and Number

- (a) The area of a display surface of a sign shall be computed as including the entire area, within a regular geometric form or combination of forms, comprising of all the display area of the surface and

including all of the elements of the matter displayed and the sign frame. Structural members not bearing advertising matter shall not be included in the computation of a sign area.

- (b) For the purpose of determining number of signs, a sign shall be considered to be a single display device containing elements organized, related, and composed to form a unit.

Section 11-12 Nonconforming Signs

- (a) It shall be unlawful for any person to erect or place any sign which does not conform to the requirements of this Article.
- (b) Minor repairs and maintenance of nonconforming signs such as repainting and electrical repairs are permitted. However, no repair in excess of 50% of a sign's original cost shall be made in any twelve-month period without complying with the provisions of this ordinance.
- (c) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.
- (d) If any sign is erected or maintained in violation of this section, the Zoning Enforcement Officer shall notify the owner of such violation and the manner in which such violation is to be remedied. If the violation is not remedied within a reasonable time as set forth in this notice, or the sign is not removed after notice of violation, the City Council shall have the right to have the sign removed at the expense of the owner for which the City shall bear no liability.

ARTICLE XII

AREA, YARD AND HEIGHT REQUIREMENTS

Section 12-1 Front Yard Averaging

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one-hundred (100) feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case, the front yard on such lots may be less than the required front yard but not less than the average of the existing front yard on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way, whichever is greater.

Section 12-2 Height Limitations.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, chimneys, masts, aerals and similar structures, smoke stacks, conveyors, and flag poles, except as otherwise provided in the vicinity of airports.

Section 12-3 Visibility at Intersections.

On a corner lot in any residential district no planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measured from the center line of the street may be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said street right-of-way lines, each of which is thirty-five (35) feet distant from the point of intersection.

Section 12-4 Yard, Area and Height Requirements

Table 12-4 AREA, YARD & HEIGHT REQUIREMENTS						
District	Minimum Lot Size, (Sq. ft.)	Min. Lot Width at Bldg. Line (ft.)	Min. Front Yard Setback (ft.)	Min. Side Yard Setback (ft.)	Min. Rear Yard Setback (ft.)	Max Height (ft.)
<u>RA Residential Agricultural</u>						
Single Family	2.5 acres	100	40	10 ^(a)	25 ^{(e)(g)}	35
Two Family		100	40	10 ^(a)	25 ^{(e)(g)}	35
<u>R-40 Residential</u>						
Single-Family	40,000	100	40	10 ^(a)	25 ^{(e)(g)}	35
Two-Family	50,000	100	40	10 ^(a)	25 ^{(e)(g)}	35
<u>R-20 Residential</u>						
Single-Family	20,000	80	30	10 ^(a)	25 ^{(e)(g)}	35
<u>R-12 Residential (3 units/acre)</u>						
Single-Family	12,000	75	35	10 ^(a)	25 ^{(e)(g)}	35
<u>Multi-Family Residential</u>						
Two Family	20,000	75	25 ^(d)	8 ^(a)	20 ^{(e)(g)}	35
Multi-Family (Special Use) Apartments, Condominiums Townhouses, PUDs	12,000+ 3,000 for each unit over 2	N/A	25 ^(d)	8 ^(a)	20 ^{(e)(g)}	35 (not to exceed 2 stories)
<u>RM Mixed Residential</u>						
Single Family	12,000 (not to exceed 3 units per acre)	80 80 N/A	30 30 ^(d) 30 ^(d)	10 ^(a) 10 ^(a) 10 ^(a)	25 ^{(e)(g)} 25 ^{(e)(g)} 25 ^{(e)(g)}	35 35 35 (not to exceed 2 stories)
Two Family(1) Multi Family (Special use)(1) (1)development shall not exceed 25% of entire development	20,000 12,000+ 3,000 for each unit over 2					
<u>Office & Institutional</u>						
Commercial/Professional Office	N/A	75	25 ^(d)	8 ^(a)	20 ^{(e)(g)}	50
<u>HC Business</u>	N/A	50	15 ^{(b)(d)}	5 ^(h)	20 ^{(e)(g)}	50
<u>CS Business</u>	N/A	50	30 ^{(b)(d)}	5 ^(a)	20 ^{(e)(g)}	35
<u>M-1 Manufacturing</u>	N/A.	(f)	50 ^{(c)(d)}	20	20	50
<u>M-2 Manufacturing</u>	N/A	(f)	50 ^{(c)(d)}	15 ^(a)	20	50

- (a) Corner lot add five (5') feet on street side.
 - (b) Minimum required front yard setback shall be developed for sidewalks, grass and/or plants and the necessary entrance driveways.
 - (c) Except for the necessary drives and walks, the front yard shall not include off street parking, other than for visitors and office employees. All other employees parking and loading shall be behind or beside the structure.
 - (d) Front yard shall also be landscaped in grass and ornamental shrubs and trees.
 - (e) Detached accessory structures may be placed no closer than five (5') feet from the rear lot line.
 - (f) In these zoned districts, the frontage on an individual lot on a public street shall not be below seventy-five (75') feet.
 - (g) In all zoned districts, where a swimming pool is an approved accessory to a primary residence or other structure there shall be provided around the perimeter, an enclosed fence with a minimum height of four (4') feet, with all gates provide^{4d} being self closing and all vertical or horizontal openings being no more than four (4") inches, which would deter and/or prevent the accidental or unauthorized use of said swimming pool. Fences which enclose the rear yard of the property shall be approvable if they totally secure that area in and around the swimming pool structure.
 - (h) One side lot line may be zero (0') feet while the opposite line may be no closer than fifteen (15') feet.
 - (i) Fences shall be allowed in all yards, but any fence located in a front yard area shall neither exceed a height of four (4') feet nor impede vehicular visibility or movement at any intersection or driveway entrance nor shall it encroach upon the right-of-way of any street. Stockade type privacy fences in residentially zoned areas shall not exceed eight (8') feet in side and rear yard areas. All fences in side yard areas adjoining a public street shall be set back at least 5 feet from the right-o-way of the public street to provide adequate sight visibility for vehicular and pedestrian traffic.
 - (j) When subdividing large lots within older residential subdivisions as per Trinity Subdivision Regulations, it shall be demonstrated by the developer prior to plat approval by the Zoning Administrator, that all newly constructed dwellings will conform to the same setback as existing structures located on either side of the lot being subdivided.
 - (k) Placement of Manufactured Homes in the RM zone must conform with Section 7-11B Manufactured home Overlay District.
 - (l) Requirements of Trinity's Watershed Ordinance supercede the Zoning Ordinance in cases where the Watershed Ordinance is more restrictive.
- Note: Line of sight landscaping shall not be allowed within any public right-of-way unless written permission is granted by the City of Trinity and the NC Department of Transportation.
 - Lot areas and setbacks shall be increased if required by County Health Department regulations
 - Lot areas in designated watersheds are controlled by the City of Trinity Watershed Ordinance.

Section 12-5 Recreation and Open Space Dedication

In an effort to provide recreation and open space, a dedication of open or recreation space will be required for all development in Multifamily and Mixed Residential districts. The land dedication must meet the following requirements;

- (a) The land should be usable for active recreation facilities and/or open space.
- (b) If land is not dedicated to the City or fee in lieu is not accepted a homeowners association must be created to own and maintain open and recreation space

Procedure for Approval:

- (a) The dedication of land to the city and or payment of such fees in lieu of land dedication shall be reviewed and approved by City Council after submission of a sketch plat. Any subdivider or developer wishing to make such dedication or payment shall attach to the application for sketch approval a letter requesting the dedication or payment of fees in lieu of land dedication.
- (b) A dedication of land may also be made to a nonprofit land conservancy in the form of a dedication or conservation easement. Documentation of such dedication must be presented before issuance of a zoning permit.
- (c) A homeowners association or property management company must accept responsibility of any open/recreation land not dedicated. A guarantee for ownership and maintenance must be established prior to issuance of a zoning permit.

Fee in Lieu of Dedication:

Any Subdivider required to dedicate recreation/open space area pursuant to this Ordinance may, with the approval of the City Council, make a payment in lieu of dedication.

A combination of partial payment and partial dedication of land shall be permitted if the City Council determines that a combination is in the best interest of the City.

Time of Payment

The fees in lieu of dedication shall be paid prior to issuance of a zoning permit for which the fees relate.

Amount of Payment

- (1) The number of acres to be dedicated, as required above, multiplied by the value of property to be divided
- (2) Property value is based on county tax records for the undeveloped property.

Use of Funds

All monies received by the City pursuant to this section shall be used only for the acquisition or development of parks, greenways, open space sites, and related facilities.

Table 12-5 Open Space Requirements	
District	Open Space
<u>RA Residential Agricultural</u> Single Family Two Family	Na
<u>R-40 Residential</u> Single-Family Two-Family	Na
<u>R-20 Residential</u> Single-Family	1/60 acre per unit
<u>R-12 Residential</u> Single-Family	1/60 acre per unit
<u>Multi-Family Residential</u> Two Family Multi-Family (Special Use) Apartments, Condominiums Townhouses, PUDs	1/135 acre per unit
<u>RM Mixed Residential</u> Single Family Two Family Multi Family (Special use)	1/60 acre per unit

ARTICLE XIII

Parking & Transportation

Section 13-1. General Off-Street Parking Requirements.

1. Parking, Stacking and Loading Space Required: When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Article shall be met. For enlargements, modifications, or increases in capacity, the requirements of this Article apply only to such enlargements, modifications, or increases in capacity.
2. Required Number: The minimum number of required off-street parking, stacking, and loading spaces are indicated in Section 13-4 of this Article. In cases of mixed occupancy, the minimum number of off-street parking, stacking, and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.
3. Handicapped Spaces: Spaces for the physically handicapped shall be provided as required by the NC State Building Code.
4. Reduction of Minimum Requirements: Unless there is a change in use requiring a lesser number of spaces, the number of spaces shall not be reduced below the minimum requirements of this Ordinance.
5. Maintenance: All parking, stacking, and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.
6. Access: All parking, stacking, and loading facilities shall have vehicular access to a publicly dedicated street, road or highway maintained by either the North Carolina Department of Transportation or the City of Trinity.
7. Use for No Other Purpose: Land used to provide required parking, stacking, loading shall not be used for any other purposes, except for temporary events. If such land is devoted to any other purpose, it shall be a violation of this Zoning Ordinance.
8. Change in Size: Only those portions of existing buildings or structures enlarged after the adoption of this Ordinance shall comply with the requirements of this section.

Section 13-2 Parking for Unlisted Uses

For any use not specifically listed in this Section, the parking, stacking, and loading requirements shall be those of the most similar use.

Section 13-3 Parking Requirements for Change in Use

If a change in use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent (5%) in the required number of parking spaces or fewer than five (5) spaces, no additional off-street parking shall be required.

Section 13-4. Minimum Off-Street Parking Requirements

The following off-street parking shall be required

TABLE 13.4 OFF STREET PARKING REQUIREMENTS	
USE	SPACES REQUIRED
Amusement parks, fairgrounds; skating rinks	1/200 sq. ft. of activity area
Athletic fields	1 space / each 4 fixed seats. Without fixed seats, 2.5 spaces / 100 sq. ft., plus 1 space for each 100 sq. ft. of floor or ground area used for assembly.
Auditorium; assembly halls; coliseums; convention centers; stadiums	1/5 persons based on designed capacity of building(s)
Automobile repair or services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift
Banks and financial institution	*1/200 sq ft gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine.
Barber and Beauty shop	3/operator
Batting cages, driving ranges; miniature golf; shooting ranges	1/cage, tee, or firing point
Bed & breakfast; boarding and rooming house	1/bedroom plus 2/3 employees
Bowling centers	4/lane
Car Washes, full-service	*Stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on largest shift
Car washes, self-service	3 stacking spaces/approach lane plus 2 drying spaces/stall
Churches	1/4 seats in main assembly room/sanctuary
Clubs, lodges, coin-operated amusement, fitness centers; similar indoor recreation	1/200 sq. ft. of gross floor area
Communication towers; demolition debris landfills; heliports; utility lines or substations	No required parking
Congregate care or group care facilities	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
Convenience stores	*1/200 sq ft gross floor area plus 4 stacking spaces at pump islands
Day care, child or adult	1/employee plus 1.5 /5 children
Delivery services	2/3 employees on largest shift plus 1/vehicle used in operation

**TABLE 13.4
OFF STREET PARKING REQUIREMENTS**

USE	SPACES REQUIRED
Drive-throughs (Not otherwise classified)	*Stacking for 4 vehicles at each window lane, or machine in addition to use requirement
Equipment rental and leasing	1/200 sq. ft gross floor area
Fire stations; police stations	1/employee on largest shift
Flea markets; open air sales, salvage yards	2/10,000 sq. ft. site area plus 2/3 employees on largest shift
Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in operation
Funeral homes or crematoria	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in operation
Furniture; floor covering sales	1/1,000 sq ft gross floor area
Furniture market showroom	1/1,000 sq. ft. gross floor area
Grocery stores	1/200 sq ft gross floor area
Golf courses	4/tee
Government offices; post offices	1/150 sq. ft. of public service area plus 2/3 employees on largest shift
Home occupations	minimum 1 space, maximum 3 space in addition to required resident spaces
Hospitals	1/4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
Hotels and motels containing 5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge, lobby, or a restaurant/lounge containing 3,000 square feet or less	1/rental unit
Hotels or motels containing more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 square feet	1.25/rental unit
Kennels or pet grooming	1/300 sq.ft. of sales, grooming or customer waiting area plus 2/3 employees on largest shift
Laboratories	*2/3 employees on largest shift plus 1/250 sq. ft. of office space
Laundromats, coin operated	1/4 pieces of rental equipment
Laundry & dry cleaning services	2/3 employees on largest shift plus 1/vehicle used in operation plus stacking for 4 vehicles/pickup station
Libraries, museums and art galleries	1/450 sq. ft. gross floor area for public use

TABLE 13.4 OFF STREET PARKING REQUIREMENTS	
USE	SPACES REQUIRED
	plus 2/3 employees on largest shift
Manufacturing and industrial uses	2/3 employees on largest shift plus 1/200 sq. ft. of retail sales or customer service area plus 1 vehicle used in operation
Medical, dental or related offices	3/examining room plus 1/employee including doctors
Motor vehicle, motorcycle, or recreational vehicle sales or display rental; manufactured home sales	5 spaces plus 1/10,000 sq. ft. of display area plus 2/3 employees on largest shift
Nursing homes, assisted living	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
Offices (Not Otherwise Classified)	1/250 sq. ft. gross floor area
Reception House	1 per 3 guest plus one per employee
Recycling Processing Facility, Indoors	1/250 sq. ft of office space, plus 1 space per 2,000 sq/ft of floor space plus 1 per vehicle used in operation
Residences, apartments, condominiums	
1 bedroom unit	1.50/unit
2 bedroom units	1.75/unit
3+ bedroom units	2.00/unit
Residences, single family detached and duplex	2/dwelling unit on the same lot
Residences, townhomes	2/unit
Restaurants	*1/4 seats plus 2/3 employees on largest shift For drive-up service, 11 total stacking spaces with minimum 5 spaces at or before ordering station
Retail stores over 25,000 sq. ft. in size	1/250 sq. ft. of gross floor area
Retail sales not otherwise classified	1/200 sq. ft. gross floor area
Schools, elementary, middle & kindergartens	5 spaces, plus 1 space per classroom employee and staff member
Schools, senior high schools	1 space per four students, plus 1 space for each classroom, administrative and non educational employee
Self-storage warehouses	5 spaces for employees and office customers
Service stations	*3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking spaces at pump islands
Services and repairs not otherwise classified	1/250 sq ft gross floor area plus 1/vehicle used in operation
Shopping Centers< 250,000 sq. ft. gross floor	1/200 sq. ft. gross floor area in main

TABLE 13.4 OFF STREET PARKING REQUIREMENTS	
USE	SPACES REQUIRED
area	building(s) (excluding theaters) plus parking as required for outparcels or theaters
Shopping Center > 250,000 sq. ft. gross floor area	1,250 spaces plus 1/225 sq. ft. gross floor area above 250,000 sq. ft.
Swimming pools as principal use	1/100 sq. ft. of water & deck space
Theaters	1/4 seats
Transportation, warehousing and utility uses (not otherwise classified)	2/3 employees on largest shift plus 1/vehicle used in operation
Veterinary services	4/doctor plus 1/employee including doctors
Wholesale uses	2/3 employees on largest shift plus 1/200 sq. ft. of retail sales or customer service area plus 1/vehicle used in operation

*NOTE: NCDOT may require additional stacking space on state or federal highways.

Section 13-5. Off-Street Loading and Unloading Space.

All structures erected for business or industry shall provide space (see below) for off-street loading and unloading. The space shall have access to an alley or a street. An off-street loading space shall have be a minimum of 12 feet by 60 feet with an overhead clearance of 14 feet above street level.

Retail Operations	One (1) loading space for each twenty-thousand (20,000) square feet of gross floor area or fraction thereof.
Industrial and Wholesale Operations	One (1) loading space for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.

Section 13-6 Design Standards for Parking, Stacking, and Loading

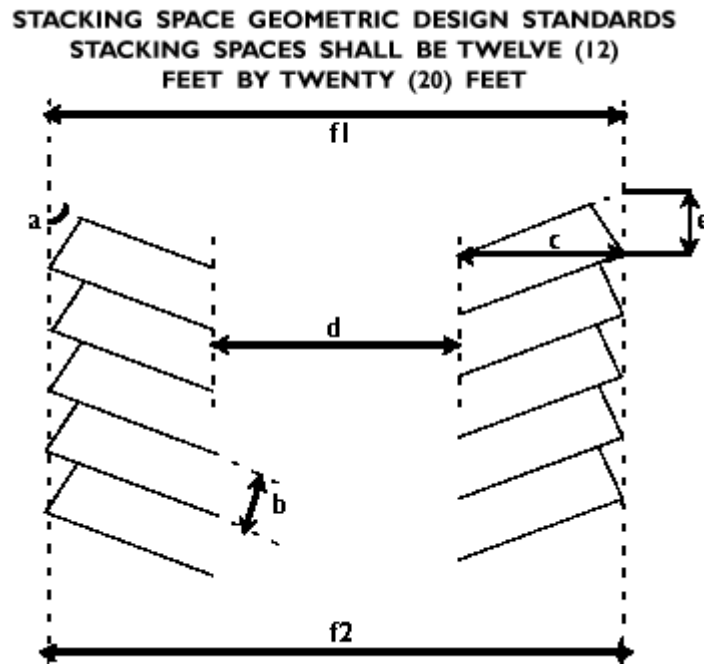
1. Design: Parking facilities shall be designed and constructed to:
 - a. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles;
 - b. Minimize delay and interference with traffic on public streets and access drives; and
 - c. Maximize sight distances from parking lot exits and access drives; and
 - d. Require all spaces in parking lots to have access from parking lot driveways and not directly from streets.
2. Dimensional Requirements: Parking facilities shall be designed and constructed to meet minimum parking space dimensions, aisle dimensions and other standards found in this Article.
3. Paving

- a. paved parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights;
- b. Access drives shall be paved and maintained from the edge of the public road to a point at least ten (10) feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved; and
- c. Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided except where it is determined by the Enforcement Officer that such system is not practical for storm drainage purposes;
- d. Facilities shall be graded, drained, stabilized, and maintained to minimize dust and erosion;
- e. All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment;
- f. All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two (2) feet into a required planting area;
- g. Properly constructed load bearing concrete pads for stationary refuse containers shall be located beneath and in the approach to each container.
- h. Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of 4 feet. (Vehicle encroachment is calculated as two (2) feet beyond curb.)
- i. Parking areas shall provide for unobstructed movement into and out of each space without interfering with fixed objects such as lighting fixtures, dumpsters, signs, or vehicles.
- j. Except for single family dwellings, duplexes, and multi-family developments of four (4) units or less, all maneuvers associated with parking and loading must occur in the off-street parking area. Private alleys may be used to conduct parking maneuvers.
- k. All parking areas shall provide for internal circulation such that each space is accessible to all other parking spaces without requiring use of a public street or alley.
- l. Paving shall not be required for:
 - i. Parking facilities used on an irregular basis for churches, private clubs, or similar nonprofit organizations;
 - ii. Parking for residential uses where six (6) or fewer spaces are required;
 - iii. Parking areas for agricultural uses in properly zoned areas;

- iv. Parking areas in the Heavy Manufacturing (M-1) District, or for manufacturing and industrial uses in the Light Manufacturing (M-2) District, provided they are constructed with gravel graded to a minimum of 4 inches of crushed rock.
- v. Parking areas for tracked heavy construction equipment, skid-mounted and similar equipment, provided they are constructed with gravel graded to a minimum of four (4) inches of crushed rock, comparable all-weather surface;

Table 13.6 Parking Space Geometric Design Standards						
a Parking Angle (degrees)	b Stall Width (*)	c Stall to Curb (ft.)	d Aisle Width (ft.)	e Curb Length (ft.)	f1 ----- f2 Center-to-Center Width of Two Row Bin With Access Road Between (ft.)	
					Curb- to- Curb	Overlap C-C
0	7'-6"	7.5	12.0	23.0	27.0	-
	8'-6"	8.5	12.0	23.0	29.0	-
	9'-0"	9.0	12.0	23.0	30.0	-
	9'-6"	9.5	12.0	23.0	31.0	-
	10'-0"	10.0	12.0	23.0	32.0	-
30	7'-6"	16.5	11.0	17.5	44.0	41.0
	8'-6"	16.9	11.0	17.0	44.8	37.4
	9'-0"	17.3	11.0	18.0	45.6	37.8
	9'-6"	17.8	11.0	19.0	46.6	38.4
	10'-0"	18.2	11.0	20.0	47.8	38.7
45	7'-6"	17.0	11.0	10.5	43.0	48.1
	8'-6"	19.4	13.5	12.0	52.3	46.3
	9'-0"	19.8	13.0	12.7	52.6	46.2
	9'-6"	20.1	13.0	13.4	53.2	46.5
	10'-0"	20.5	13.0	14.1	54.0	46.9
60	7'-6"	17.7	14.0	8.7	47.4	44.0
	8'-6"	20.7	18.5	9.8	59.9	55.6
	9'-0"	21.0	18.0	10.4	60.0	55.5
	9'-6"	21.2	18.0	11.0	60.4	55.6
	10'-0"	21.2	18.0	11.5	61.0	56.0
90	7'-6"	17.0	20.0	7.5	54.0	-
	8'-6"	19.0	25.0	8.5	63.0	-
	9'-0"	19.0	24.0	9.0	62.0	-
	9'-6"	19.0	24.0	9.5	62.0	-
	10'-0"	19.0	24.0	10.0	62.0	-
(*) 9'-0" recommended						
(*) 8'-6" minimum						

(*) 7'-6" compact cars only, for non-required spaces only



Section 13-7. Alternatives and Incentives.

A. Purpose – The purpose of this section is to encourage the property owner to reduce the amount of impervious surface cover needed for parking by providing a variety of alternatives and incentives. Any parking alternative proposed or incentive utilized by the property owner must be approved by the Zoning Enforcement Officer and shall accomplish the following:

- (1) Intent. The intent of the parking requirements is preserved.
- (2) Sufficient parking. The parking provided will be sufficient to serve the use for which it is intended; and
- (3) Impact. The modification will not be detrimental to the public health, safety, or welfare.

B. Shared Parking

- (1) Reduction of Parking Requirements. The Zoning Enforcement Officer may authorize a reduction of the parking requirements or parking spaces for any mixed use project or nearby uses where peak parking demand characteristics or hours of operation are distinctly different in accordance with this section. All reductions of parking requirements authorized by the Zoning Enforcement Officer within the City of Trinity must also receive approval from the City Manager.
- (2) Requirements. A request for approval of shared parking shall be accompanied by such information determined by the Zoning Enforcement Officer as necessary to evaluate the relevant factors listed in the section below, including, but not limited to, a description of the uses, a site plan, and a transportation engineering report.

- (3) Accessibility. All shared parking spaces shall be located in a parking facility providing reasonably equivalent accessibility and usability to all uses which the parking is intended to serve.
- (4) Ownership. In cases where the uses for which shared parking is requested are located on lots under different ownership, a contract approved by the City Attorney shall be provided.
- (5) Conditions. In determining whether to approve a reduction for shared parking, the Zoning Enforcement Officer shall consider all relevant factors, including the following:
 - (a). Peak Parking Demand. The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;
 - (b). Reduction in Vehicle Movements. Potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers, or residents of the uses served; and,
 - (c). Potential Improvements. Potential improvements in parking facility design, circulation, and access afforded by a shared parking facility.

(C) Park and Shuttle Lots in Business and Industrial Zoning Districts

- (1) Conditions. The Zoning Enforcement Officer may authorize any business use(s), or zoning lot which has a minimum of one hundred and seventy-five (175) contiguous parking spaces to establish a park and shuttle lot provided that:
 - (a). Maximum. Not more than ten percent (10%) of the required parking spaces for the use(s) or for the zoning lot may be designated as a park and shuttle lot.
 - (b). Location. All designated park and shuttle spaces shall be located in outlying areas of the parking lot so as not to interfere with customer or employee parking needs.
- (2) Short-term Parking. All designated park and shuttle areas shall be for short-term (less than twenty-four [24] hours) parking for commuters of any public carpooling, vanpooling, or transit program.

(D) Reduction in the OI & CS Districts

- (1) In the CS District:
 - (a). Amount Required. For any permitted use in the CS District, the required amount of parking may be reduced by twenty-five (25%) percent. This reduction shall not affect the required disabled parking or loading spaces for that use.
 - (b). Location. All off-street parking shall be provided to the rear or to the side of the principal structure with the exception of two (2) parking spaces which may be located in front of the structure. The side parking area may be no closer to the street than the principal structure.

(2) In the OI District:

- (a). Amount Required. For any permitted use in the OI District, the required amount of parking may be reduced by (15%). This reduction shall not affect the required disabled parking or loading spaces for that use.
- (b). Location. All off-street parking shall be provided to the rear or to the side of the principal structure with the exception of two (2) parking spaces which may be located in the front of the structure. The side parking area may be no closer to the street than the principal structure.

(E) Parking Reduction for Required Landscaping in Motor Vehicle Use Areas - For all uses, the property owner may reduce the number of required parking spaces for the installation of required interior planting areas up to a maximum of ten percent (10%). Up to an additional five percent (5%) reduction is permitted where an area which would otherwise be devoted to parking cannot be used in order to preserve an existing tree with a diameter of six (6") inches or greater.

Section 13-8. Sidewalks-Residential.

A sidewalk with a minimum width of four (4) feet shall be installed within the right-of-way. New sidewalks must adjoin existing sidewalks on adjacent property. Access for handicapped persons must be provided to side walk facilities at appropriate locations, including street intersections.

Sidewalks shall be required for all new major subdivisions in the following zoning districts. Subdivisions of twenty five (25) lots or less shall be excluded from this section of the ordinance.

- 1. R-12 (Residential) – Sidewalks shall be installed on both sides of the street in all new major subdivisions.
- 2. RM (Residential Mixed) - Sidewalks shall be installed on both sides of the street in all new major subdivisions.

Section 13-8. Sidewalks-Residential-Commercial.

A sidewalk with a minimum width of four (4) feet shall be installed within the right-of-way. New sidewalks must adjoin existing sidewalks on adjacent property. Access for handicapped persons must be provided to side walk facilities at appropriate locations, including street intersections.

Sidewalks shall be installed when a lot zoned Highway Commercial (HC) or Community Shopping (CS) fronts a major or minor thoroughfare and when that property adjoins a residentially zoned property.

Section 13-10**Traffic Analysis**

When sufficient information on a proposed development is available, the City may require that the developer provide preliminary North Carolina Department of Transportation (NCDOT) review for driveway and development entrances to NCDOT maintained roads and a proposed traffic count for the new development or redevelopment. If required by the City, this information shall be submitted with a preliminary plat, special use permit application or conditional rezoning application. It is recommended that developers of new major subdivisions, multi-family developments and commercial and industrial developments that exceed one acre in size provide the above information.

ARTICLE XIV

BUFFERING AND LANDSCAPING REQUIREMENTS

Section 14-1 Purpose of Buffering Requirements

The purpose of this section is to protect an abutting property from less desirable characteristics of the property for which buffering is required due to a dissimilar district, use, and/or primary transportation route(s) thereby promoting the general public's health and welfare. Such characteristics may include but are not limited to visually incompatible structures and land uses, overhead lighting, wind and dust, and increased activity associated with commercial, industrial, institutional and other land uses. In addition the buffering/landscaping requirements of this section will encourage the preservation of existing trees and the planting and maintenance of others, both of which constitute an important aesthetic resource for the City of Trinity.

Section 14-2. Buffering Between Zoning Districts and/or Uses.

A buffer strip shall be provided in all Commercial, Office/Institutional, Light Industrial, and Heavy Industrial zoning districts and/or uses. Unless an existing buffer meets requirements of this section and sufficiently shields and protects the abutting property as determined by the Planning & Zoning Enforcement Officer, buffer strips shall meet the following requirements:

1. Where the abutting lot is zoned residential or has been developed with a residential use and shares a common lot line with a lot or one acre or greater whose use requires buffering, a buffer of twenty feet (20') in width shall be placed according to one or a combination of the following methods:
 - (a). At least two (2) rows of evergreen trees which may be selected from the recommended List of Recommended Species (on file with the Zoning Enforcement Officer) shall be planted. Trees shall have a minimum height of three feet (3') when planted. The rows shall be spaced seven feet (7') apart and centered within the buffer strip. Tree spacing shall be eight feet (8') off centered with trees in adjacent rows offset (staggered) four feet (4'); and a solid visual barrier fence six feet (6') in height shall be erected around any loading, unloading, or outdoor storage areas; and
 - (b). Earth beams may be used in conjunction with planting to satisfy height requirements; but slopes shall not exceed one foot (1') to two feet (2') horizontal.
2. Where the abutting lot is not residentially zoned or used but shares a common lot line with the lot on one acre or greater whose use requires buffering, the required buffer strip of twenty feet (20') in width shall be planted:
 - (a). Two (2) rows of evergreen trees planted in a staggered pattern and located approximately in the center of the buffer strip. The two (2) rows shall be no more than seven feet (7') apart and the trees shall be planted no more than eight feet (8') apart within each row. The evergreens used in this planting shall be at least three feet (3') in height and must be healthy, nursery grown plants which meet the requirements set forth in the American Standard for Nursery Stock, which are staked when planted and protected.

3. If the lot whose use requires buffering is less than one acre, the buffer strip shall be a minimum of twelve feet (12') wide and placed in the manner(s) outlined previously.
4. The buffer strip shall be placed on the commercial, office/institutional, and industrial properties such that it fulfills the intent of this Article.

Section 14-3 Landscaping for Community Shopping, Highway Commercial and Office & Institutional Districts

At least one (1) deciduous tree shall be planted along the street no less than ten feet (10') off of the right-of-way (on private property), for each forty feet (40') of street frontage or fraction thereof for new construction or extensive rehabilitation. Each tree shall be at least one and one-half inches (1 ½") in caliper and may be selected from the List of Recommended Species or otherwise approved by the Planning and Zoning Enforcement Officer and shall be provided with adequate space for water percolation and root growth. In lieu of this requirement, the developer shall provide a **Landscaping Plan and detailed plant list**, approved by the Planning and Zoning Enforcement Officer, which provides for a variety of plantings which achieve the desired aesthetic goals of the buffering requirement.

Section 14-4 Buffering Between Single Family Housings & Planned Developments

In each Planned Unit Development located in any residential district where the project abuts single family housing, a buffer shall be provided in accordance with the buffer requirements presented in Section 14-2.

Section 14-5 Buffering Off-Street Parking Areas

1. Each off-street parking area designed for one hundred (100) or more spaces, which has been issued a zoning permit after the effective date of this section and each existing area to which spaces are added totaling one hundred (100) or more spaces after the effective date of this ordinance shall have provided and maintained one (1) tree for each twenty (20) spaces constructed. Areas designed and designated for truck maneuvering are exempt from the requirement.
2. Each planting area shall have an unobstructed width dimension of not less than seven and one-half feet (7 ½') and shall not be less than one hundred ten (110) square feet in area for each required tree.
3. Each planting area shall be protected by curbing, ballards, or parking barriers and contain at least one (1) tree which may be selected from the List of Recommended Species. The minimum caliper of each tree shall not be less than one and one-half inches (1 ½"). No barrier is required if the trees are set back at least eight feet (8') from the edge of pavement.
4. Planting areas shall be located within the parking area as islands, or around the perimeter of the parking area within sixteen feet (16') of the pavement or curb. At least fifty percent (50 %) of the planting areas shall be islands within the parking area. Curbing along the parking area perimeter is not required if the trees are set back at least five feet (5') from the edge of the pavement.

Section 14-6 Protection of Existing Trees in Required Buffer Strips

1. Preservation of existing trees is strongly recommended.
2. When healthy, well-shaped existing trees, three inches (3") in caliper, are successfully preserved, a consideration will be given to crediting said tree toward a portion of the buffer required by this section.

2. Monumental trees are to be given special consideration.
3. A plan to preserve existing trees shall be prepared and submitted for approval by the Planning and Zoning Enforcement Officer before the issuance of the Zoning Permit.

Section 14-7 Maintenance of Buffering

1. Evergreen trees shall be maintained so that dense branching begins at ground level and continues to the top of each plant.
2. Unhealthy or dead plants shall be promptly replaced.
2. Each required fence shall be maintained in good repair, including periodic painting or finishing.
3. Failure to maintain the plantings, earth berms, and/or fences in good condition shall constitute a violation of this section.
4. When attempting to comply with these requirements, the property owner shall contact all public utility agencies in order to protect public utilities buried underground.

Section 14-8 Documentation & Variances

1. Graphic documents indicating compliance with the requirements set forth herein shall be submitted prior to the issuance of a Zoning Permit.
2. Variances to the requirements of this section may be appealed to the Board of Adjustment for review.

ARTICLE XV

ZONING ENFORCEMENT OFFICER, PERMITS REQUIRED, AND ENFORCEMENT

Section 15-1 Zoning Enforcement Officer

The City Manager shall appoint a zoning enforcement officer to enforce this ordinance.

Section 15-2 Duties of Enforcement Officer

The Enforcement Officer shall:

1. establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;
2. issue permits and certificates pursuant to this Ordinance;
3. review and approve all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;
4. interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;
5. maintain all records pertaining to the provisions of this Ordinance in his office(s) and make said records open for public inspection;
6. periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance;
7. cause to be investigated violations of this Ordinance;
8. enforce the provisions of this Ordinance;
9. issue notice of corrective action(s) when required;
10. use the remedies provided in this Ordinance to gain compliance;
11. be authorized to gather evidence in support of said activities;
12. receive appeals and forward cases to the appropriate body; and perform other duties as may be assigned by the City Council.

Section 15-3 Questions of Enforcement and Interpretation

All questions arising from the enforcement of this ordinance shall be presented initially to the Zoning Enforcement Officer. If not satisfactorily resolved, the aggrieved party shall appeal to the Board of Adjustment. If the matter is still not resolved, the aggrieved party's only recourse is to take the matter to court as provided by law. The City Council shall not resolve disputed questions that may arise from the enforcement of this ordinance. The City Council's duties shall be limited to granting of special uses specifically assigned it by the ordinance; amending the ordinance; or repealing the entire ordinance.

Section 15-4

Permits and Required Submissions

A Zoning Permit – A zoning permit issued by the Zoning Enforcement Officer is required when a building, sign or other structures is to be erected, moved, added to or structurally altered. No zoning permit shall be issued except in conformity with the provisions of this ordinance except after written order from the Board of Adjustment.

1. Application and Site Plan - All applications for a zoning permit shall be accompanied by two sets of site plans which show:
 - dimensions and shape of the parcel to be built upon
 - exact sizes, uses and locations on the parcel of buildings already existing, if any
 - location and dimensions of the proposed building or alterations
 - location of driveways, means of egress and ingress and parking
 - signage
 - landscaping and buffering
 - other information necessary to determine conformance with and provide for enforcement of this ordinance.

B Certificate of Occupancy - A certificate of occupancy issued through the Randolph County Inspections Department is required before a building is occupied or used, erected, altered or moved.

1. Application - A certificate of occupancy either for the whole or a part of a building shall be applied for at the same time as the application for a zoning permit and shall be issued within 10 days after completion of the erection or structural alteration of the buildings or part of a building. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer.

Section 15-5

Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

1. Development Without Permit - To engage in any development, use, construction, remodeling or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates or other forms of authorization as set forth in this Ordinance.
2. Development Inconsistent With Permit -To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.
3. Violation by Act or Omission - To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the governing body or its agent boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.

4. Use in Violation - To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation of this Ordinance, or any other regulation made under the authority conferred thereby.

Section 15-6

Enforcement Procedure

When the Enforcement Officer or his agent finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

1. Written Notice of Violation - If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Enforcement Officer shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property:
 - (a). that the land, building, sign, structure, or use is in violation of this Ordinance
 - (b). the nature of the violation, and citation of the section of this ordinance violated; and
 - (c). the measures necessary to remedy the violation.
2. Appeal – If the owner or occupant disagrees with the Notice of Violation, he/she may appeal to the Board of Adjustment within 10 days of receipt of a Written Notice of Violation. The Board of Adjustment shall either find in favor of the owner/occupant or issue an Order of Corrective Action requiring correction of the violation.
3. Failure to Comply - If the owner or occupant fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, he/she shall be subject to such remedies and penalties as may be provided for by state law and this Ordinance. If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.
4. Continuing Violation - Each day that any violation continues after receipt of the final written notice of such violation, except when appealed, shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

ARTICLE XVI

PLANNING BOARD, BOARD OF ADJUSTMENT AND ROLE OF THE CITY COUNCIL IN PLANNING

Section 16-1 Planning Board

- A. There is hereby created a planning agency, pursuant to NCGS 160A-361 to be known as the Planning Board.
- B. Powers and Duties. The City of Trinity Planning Board shall have certain powers and duties to be carried out in accordance with this Ordinance which include, but are not limited to the following:
- (1) to review and make recommendations to the City Council on all matters relating to land use planning and zoning within the jurisdiction of the City of Trinity, whenever such matters require the attention of the City Council;
 - (2) to adopt such rules of procedure necessary for the administration of its responsibilities consistent with this Ordinance;
 - (3) to hear and recommend the issuance of Special Use Permits; and
 - (4) to assume any other duties assigned by the City Council.
- C. Number of Board Members; Appointment. The Planning Board shall consist of eight (8) who shall be citizens and residents of the City of Trinity. They shall be appointed by the City Council of the City of Trinity.
- D. Length of Terms. Length of terms for Planning Board members shall be three year staggered terms.
- E. Vacancies. The City Clerk shall notify the City Council of all vacancies occurring for reasons other than term expiration. Such vacancies shall be filled by appointment of the City Council for the period of the unexpired term.
- E. Open Meetings; Minutes - All meetings and hearings of the Planning Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question and the absence or failure of any member to vote. Minutes shall be maintained by the City Clerk and shall be available for public review.
- F. Notice. The Board shall not make recommendations for a special use permit until a public hearing is held. Notice of such public hearing shall be posted on the property for which the petition is sought and in a local newspaper at least ten (10) days and no more than twenty-five (25) days prior to the public hearing.
- G. Conflict – Member of the Planning Board shall not vote on recommendations regarding any rezoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 16-2 Board of Adjustment Created.

- A. A Board of Adjustment is hereby created. The individuals appointed to serve on the Planning Board shall also serve as the Board of Adjustment.
- B. Number of Members; Appointment - The Board shall consist of eight (8) members who shall be citizens and residents of the City of Trinity and shall be the same individuals appointed to the Planning Board by the City of Trinity City Council.
- C. Length of Terms - Upon adoption of this amendment to the Trinity City Zoning Ordinance, length of terms for Board of Adjustment members shall be as noted in Section 16-1D for the Planning Board. .
- D. Vacancies - Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.
- E. Officers, Rules, and Regulations - The Board shall elect such officers, and adopt such rules and regulations for its own government as it deems necessary to carry out the provisions of this article. The Chair or in his/her absence, the Vice Chair, may administer any oaths and compel attendance of witnesses by subpoena. All meetings of the Board shall be open to the public
- F. Conflict – A member of the Board shall not participate in or vote on any quasi-judicial matter in a matter that would violate affected persons’ constitutional right to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communication, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a members’ participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Section 16-3 Voting

The concurring vote of four fifths (4/5) of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer, or to decide in favor of the applicant on any matter which it is required to pass under the Zoning ordinance or to affect any variance in the Zoning Ordinance.

For the purpose of this section, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

Section 16-4 Proceedings of the Board of Adjustment

All hearings of the Board shall be open to the public. The Board shall keep minutes, showing the vote of each member upon each question, and the absence or failure of any member to vote.

The final disposition of each matter decided by the Board shall be by recorded resolution indicating the reasons for the decision, based on findings of fact and conclusions of law, which shall be public record.

On all appeals, applications and other matters brought before the Board of Adjustment the Board shall inform in writing all the parties involved of its decision and the reasons for that decision.

Section 16-5 Appeals from Decisions of the Zoning Enforcement Officer

Appeals to the Board of Adjustment may be taken by any person aggrieved by a decision of the Zoning Enforcement Officer or other authorized official, based on this ordinance. Such appeal shall be taken within 15 days by filing with the Zoning Enforcement Officer a written notice of appeal specifying the grounds. The Zoning Enforcement Officer shall immediately transmit to the Secretary of the Board all papers constituting the record upon which the action appealed was taken.

- (1) Hearing - Notice and Representation. The Board of Adjustment shall schedule a hearing of an appeal within 30 days from the filing of the notice of appeal. At least one week before the date of the hearing, the City shall mail written notice of the hearing to all parties in interest and to all adjoining property owners. A suitable notice shall also be published in the local paper. At the hearing, any party may appeal in person, or by an agent or attorney.
- (2) Fees. A fee established by the City Council shall be paid to cover administrative costs for each appeal to the Board of Adjustment. Payment of the fee shall be a prerequisite to the filing of the appeal with the Board of Adjustment.

Section 16-6 Appeal Stays All Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning enforcement officer certifies to the Board after the notice of appeal shall have been filed with him by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, or because the violation charged is transitory in nature and a stay would interfere with enforcement of the ordinance. In such case, proceedings shall not be stayed otherwise than by a restraining order issued by the Board or by a court of record,

Section 16-7 Powers and Duties of the Board of Adjustment

The Board shall have the following powers:

- (a). Administrative Review. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Enforcement Officer or other duly authorized official.
- (b). Variances. To authorize upon appeal in specific cases such variance from the terms of this ordinance that will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in undue hardship, that the spirit of this ordinance shall be observed, substantial justice done and provided no change in permitted uses be authorized by variance.
- (c). Variances for Watershed Overlay Districts. To authorize variances from the specific requirements of the watershed overlay districts, provided that the notice required in Section 16 - 1(G) of this Article shall also be mailed by first class mail to all other local governments having watershed regulation jurisdiction in the particular watershed where the variance is requested and to each entity using that water supply for consumption; provided that favorable action by the Board of Adjustment on any major variance, as defined in this ordinance, shall constitute a favorable recommendation but such major variance shall not become effective unless authorized by the Environmental Management Commission in accordance with their rules and procedures. Unfavorable action by the Board of Adjustment on a major variance shall constitute a denial.

- (d). to hear and decide appeals and requests for variances from the requirements of the Flood Control Ordinance.

Section 16-8 Variances - Determinations and Findings

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustments shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the Board.

These regulations may provide that the Board of Adjustments may determine and vary their application in harmony with the general purpose and intent and in accordance with general or specific rules therein contained, provided no change is permitted uses may be authorized by variance.

- (1) Determination that Variance Will Not Violate Other Ordinance Provisions. In considering all proposed variances to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variance will not allow the establishment of a use not otherwise permitted in a district by this ordinance; extend in area or expand a non-conforming use of land; change the district boundaries shown on the zoning map; impair any adequate supply of light and air to adjacent property; materially increase the public danger of fire; materially diminish or impair established property values within the surrounding area; or in any other respect impair the public health, safety, morals, and general welfare.
- (2) Findings. A variance may be granted in an individual case of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:
- (a). There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
 - (b). Granting the variance requested will not confer upon the applicant any special privileges that are denies to other residents in the district in which the property is located.
 - (c). A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
 - (d). The requested variance will be in harmony with purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
 - (e). The special circumstances are not the result of the applicant.
 - (f). The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
 - (g). The variance is not a request to permit a use of land, building or structure which is not permitted by right or by conditional use in the district involved.

- (3) Conditions. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance punishable under Section 18-3 of this ordinance.

Section 16-9 Re-hearings

The Board shall refuse to hear an appeal or application previously denied, if it finds there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

Section 16-10 Review by Certiorari

A decision by the Board is subject to review by certiorari as provided by law. Any appeal shall be made to the Randolph County Superior Court within 30 days after the decision of the Board is filed with the City or a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

Section 16-11 Decisions of the Board of Adjustment

In exercising the abovementioned powers, the Board of Adjustment may reverse or affirm, wholly or in part, or may modify and order requirements, decisions or determinations as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

Section 16-12 Role of City Council in Planning

The City Council shall have certain powers and duties to be carried out in accordance with this Ordinance which include, but are not limited to, the following:

- (1) to initiate and make amendments to the text of this Ordinance and to the Zoning Maps;
- (2) to hear, review and adopt or reject amendments to the text of this Ordinance and to the Zoning Map;
- (3) to hear, decide and authorize issuance of a Special Use Permit;
- (4) to appoint members of the Planning Board and Board of Adjustment and establish their terms; and
- (5) to take such other action not delegated to the Planning Board or Board of Adjustment as the City Council may deem desirable and necessary to implement the provision of this Ordinance.

A City Council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

ARTICLE XVII AMENDMENTS AND CHANGES

Section 17-1 Motion to Amend.

- (1) Council Authority to Amend - The City Council may, on its own motion or upon the recommendation of the Planning Board, staff or upon petition by any person within the zoning jurisdiction, after public notice and hearing, amend, or repeal the regulations or the maps which are a part of this ordinance. No regulation or maps shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which all parties in interest and citizens shall have an opportunity to be heard.
- (2) Notice and Public hearing on Amendment
 - a. Legal Notice - A notice of public hearing shall be given once a week for two (2) successive weeks in a newspaper of general circulation in the City.
 - b. Posting of Property – The Zoning Enforcement Officer shall cause to be posted, all property sought for rezoning, no less than fifteen (15) days before the next Planning Board Meeting and for the duration of the request. Said posting shall consist of at least one public notice sign per road frontage.
 - c. Mailed Notice – Notice to adjoining property owners and all property owners within six hundred (600) feet shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days.
- (3) Information and Fee Required from Applicant and Processing of Information - Applicants must present the following information:
 1. a completed rezoning application;
 2. an accurate survey of the property to be rezoned, and;
 3. a deed or legal description which establishes ownership.
 4. if the proposed zoning boundary splits an existing parcel a metes and bounds description shall be required in addition to the survey

A rezoning fee established by the City Council shall be required. Processing of zoning amendment applications shall begin within ninety (90) days from submission to the City Clerk. However, this requirement is not intended to prevent the Planning Board or City Council from delaying action after review by either body. If more than one tract or parcel is being sought for rezoning at the same time by a single applicant, each parcel having a different zone shall constitute a separate rezoning request.

- (4) Planning Board Review – Subsequent to initial adoption of a zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comments. If no written report is received from the Planning and Zoning Board within thirty (30) days of referral of the amendments to the Board, the City Council may proceed in its consideration of the amendment without the Planning Board report. The Council is not bound by the recommendation, if any, of the Board.

The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

- (5) Council Statement – Prior to adopting or rejecting any zoning amendment, City Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest.
- (6) Withdrawal of Request - Any applicant for rezoning, may withdraw his/her petition anytime prior to consideration by the Planning Board. If the applicant should choose to withdraw his/her petition after being reviewed by the Planning Board but before it is to be considered by the City Council, he/she must do so in writing no later than 5 p.m. on the first Friday following the last Planning Board meeting where the item was dispensed. Failure to withdraw the rezoning petition by that time, shall cause it to advance automatically to the City Council for consideration at their next regular session, provided however that City Council may in its discretion, allow the withdrawal of a rezoning petition at anytime for cause upon request by an applicant.
- (7) Resubmission of Application - Should a petition for the amendment of these regulations and/or maps be denied by action of the City Council, the applicant may resubmit an application for rezoning for the same tract or parcel within the same calendar year so long as the request for rezoning is dissimilar to the original request denied by the City Council. Should the second request be denied by the City Council, the applicant must withhold all petitions for rezoning said tract or parcel for a period of twelve (12) months from the date of the second denial by the City Council.

Section 17-2 Protest Against Amendment

In the case of a qualified protest petition against a zoning map amendment, that amendment shall not become effective except by a favorable vote of three-fourths of all the members of the City Council. For the purpose of this section, vacant positions on the Council and members who are excused from voting shall not be considered member of the council for calculation of the requisite supermajority.

To qualify as a protest under this section, the petition must be signed by the owners of either, twenty percent (20%) or more of the area included in proposed change or five percent (5%) of a 100 foot buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100 foot buffer area as long as that street right-of-way is 100 wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100 foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the City may rely on the County tax listing to determine the owners of potentially qualifying areas.

The foregoing provisions concerning protest shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted special use district or conditional district if the amendment does not changes the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district or conditional district.

All protest petitions shall be on a form prescribes and furnished by the City and such form may prescribe and reasonable information deemed necessary to permit the City to determine the sufficiency and accuracy of the petition.

A person who has signed a protest petition may withdraw their name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying

standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

ARTICLE XVIII

LEGAL PROVISIONS

Section 18-1 Interpretation, Purpose and Conflict.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this ordinance shall govern, provided that nothing in the ordinance shall be construed to amend or repeal any other existing ordinance of the City.

Section 18-2 Validity

Should any section or provisions of this ordinance be declared by the courts to be invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 18-3 Remedies

Anyone or all of the following procedures may be used to enforce the provisions of this Ordinance.

1. Denial of Permit or Certificate – If the violation is related to a permit that has been issued or is pending, the Enforcement Officer may withhold or deny the permit, certificate of occupancy or other form of authorization.
2. Conditional Permit or Temporary Certificate – If the violation is related to a permit, the Enforcement Officer may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.
3. Stop Work Orders - Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered or repaired in violation of this Ordinance, the Enforcement Officer may order the work to be immediately stopped. The stop order shall be in writing and directed to the owner, occupant, or person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with NCGS 160A-421 or 153A-361, as applicable, or the NC Building Code.
4. Revocation of Permits - The Enforcement Officer may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

5. Criminal Penalty - Any violation of this Ordinance shall be a misdemeanor as provided by NCGS 14-4. Each calendar day during which a violation continues shall constitute a separate offense.
6. Civil Penalty. Any violation of this ordinance shall also subject the offender to a civil penalty of \$50.00. If the offender fails to pay the penalty within 10 days of receiving final written Notice of a Violation, the penalty may be recovered by the City in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender received a final written notice of violation and did not appeal to the Board of Adjustment as prescribed in Section 16-5 above. Each calendar day during which a violation continues shall constitute a separate offense.
7. Injunction - Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.